

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0829.01 Jery Payne x2157

HOUSE BILL 24-1021

HOUSE SPONSORSHIP

Lindsay,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TRAINING OF INDIVIDUALS TO DRIVE MOTOR**
102 **VEHICLES.**

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>.)

Currently, a minor who is under 18 years of age may be issued a driver's license or temporary driver's license if the minor has held an instruction permit for 12 months and has completed 50 hours of supervised driving, including 10 hours of night driving. To obtain an instruction permit, current law requires a minor to meet one of the following conditions:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

- A minor who is at least 15 and one-half years of age but under 16 years of age must have completed a driver education course or a 4-hour driver awareness course; or
- A minor who is 15 years of age or older but under 15 and one-half years of age must have completed a driver education course, including 30 hours of driving instruction and 6 hours of behind-the-wheel driving training with a driving instructor, or, if the minor lives more than 30 miles from a business offering driving instruction, the minor may choose to have at least 12 hours of training from a parent, legal guardian, or responsible adult.

Therefore, to obtain a driver's license, the minor must meet these requirements. The bill replaces the current requirements to be issued an instruction permit with requirements that a minor applicant 18 years of age or younger must:

- Complete a 30-hour driver education course, which may include an online course, approved by the department of revenue (department); and
- Receive at least 6 hours of behind-the-wheel driving training with a driving instructor, or, if the minor lives more than 30 miles from a business offering driving instruction, the minor may choose to have at least 12 hours of training from a parent, legal guardian, or responsible adult.

The bill also adds a requirement that a minor who is 18 years of age or older and under 21 years of age must successfully complete a 4-hour prequalification driver awareness program approved by the department in order to be issued a driver's license or temporary driver's license.

The bill prohibits a person who has been convicted of certain violent or sexual crimes from providing behind-the-wheel driving instruction to minors and at-risk adults. A commercial driving school is prohibited from employing such a driving instructor to provide behind-the-wheel driving instruction to minors and at-risk adults. Each instructor employed by a commercial driving school must obtain a fingerprint-based criminal history record check to verify that the instructor has not committed a disqualifying crime.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-104, **amend**
 3 (4)(a); **repeal** (5); and **add** (5.5) as follows:

4 **42-2-104. Licenses issued - denied.** (4) (a) The department shall

1 not issue a driver's license, including a temporary driver's license under
2 section ~~42-2-106 (2)~~ 42-2-106 (5), to ~~a person~~ AN INDIVIDUAL under
3 eighteen years of age unless the ~~person~~ INDIVIDUAL has:

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

6 (II) Submitted a log or other written evidence on a standardized
7 form approved by the department certifying that the ~~person~~ INDIVIDUAL
8 has completed not less than fifty hours of actual driving experience WITH
9 A DRIVING SUPERVISOR LISTED IN SECTION 42-2-106 (2)(b)(II) of which
10 not less than ten hours must have been completed while driving at night,
11 which form ~~is~~ MUST BE signed by:

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

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

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

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

23 (IV) RECEIVED A MINIMUM OF:

24 (A) SIX HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING WITH A
25 DRIVING INSTRUCTOR EMPLOYED BY OR ASSOCIATED WITH A DRIVER
26 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT; OR

27 (B) TWELVE HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING

1 DIRECTED BY A DRIVING SUPERVISOR LISTED IN SECTION 42-2-106

2 (2)(b)(II). █

3 (5) ~~The department shall not issue a driver's license to a person~~
4 ~~under sixteen years and six months of age unless the person has either:~~

5 (a) ~~Received a minimum of twelve hours of~~
6 ~~driving-behind-the-wheel training directed by a parent, a legal guardian,~~
7 ~~or an alternate permit supervisor, which training shall be in addition to the~~
8 ~~driving experience required by subsection (4) of this section, if no entity~~
9 ~~offers approved behind-the-wheel driver training at least twenty hours a~~
10 ~~week from a permanent location with an address that is within thirty miles~~
11 ~~of the permit holder's residence; or~~

12 (b) ~~Received a minimum of six hours of driving-behind-the-wheel~~
13 ~~training with a driving instructor employed or associated with an~~
14 ~~approved driver education course.~~

15 (5.5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE,
16 INCLUDING A TEMPORARY DRIVER'S LICENSE UNDER SECTION 42-2-106(5),
17 TO A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
18 TWENTY-ONE YEARS OF AGE UNLESS THE PERSON HAS:

19 (a) BEEN ISSUED A DRIVER'S LICENSE FROM ANOTHER
20 JURISDICTION; OR

21 (b) SUCCESSFULLY COMPLETED A FOUR-HOUR PREQUALIFICATION
22 DRIVER AWARENESS PROGRAM THAT IS APPROVED BY THE DEPARTMENT
23 OR A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED BY THE
24 DEPARTMENT.

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

27 **42-2-106. Instruction permits and temporary licenses -**

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

4 (I) HAS SUCCESSFULLY COMPLETED, WITHIN THE PREVIOUS SIX
5 MONTHS, A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED
6 BY THE DEPARTMENT, WHICH COURSE MAY BE COMPLETED ONLINE; AND

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

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

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

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

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

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

27 (b) EXCEPT AS PROVIDED IN SUBSECTION (2)(c), (2)(d), OR (2)(e)

1 OF THIS SECTION, AN INSTRUCTION PERMIT HOLDER SHALL NOT DRIVE A
2 MOTOR VEHICLE ON A ROADWAY UNLESS:

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

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

9 (A) THE MINOR'S PARENT OR STEPPARENT;

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

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

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

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

16 (F) A PERSON AUTHORIZED TO SUPERVISE A FOSTER CHILD IN
17 SUBSECTION (2)(c) OF THIS SECTION;

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

20 (H) A PERSON DESCRIBED IN SUBSECTION (2)(e)(II) OF THIS
21 SECTION; OR

22 (I) THE PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND
23 WHO SIGNED THE AFFIDAVIT OF LIABILITY.

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

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

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

3 (d) THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
4 ATTORNEY, GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY, OR
5 FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF LIABILITY MAY ALLOW
6 THE MINOR TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S
7 LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL
8 DRIVING EXPERIENCE, BUT THE ADDITIONAL DRIVING EXPERIENCE DOES
9 NOT COUNT TOWARD THE FIFTY-HOUR DRIVING REQUIREMENT
10 ESTABLISHED IN SECTION 42-2-104 (4)(a)(II).

11 (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER
12 OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
13 MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
14 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
15 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
16 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

17 (II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
18 ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
19 INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
20 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IS IN THE UNITED
21 STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE,
22 THE PERSON MAY SUPERVISE THE INSTRUCTION PERMIT HOLDER IF THE
23 PERSON HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS
24 AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS
25 PROPER MILITARY IDENTIFICATION.

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

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

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

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

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

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

20 (b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S
21 LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN
22 COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT
23 WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE
24 DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO
25 THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR
26 DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE
27 APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE

1 AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY
2 IN ACCORDANCE WITH SECTION 42-2-108 (1). THE VERIFICATION MUST
3 INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND
4 IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE
5 APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

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

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

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

18 **42-2-107. Application for license or instruction permit -**
19 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
20 **and tissue donation awareness fund - legislative declaration - rules -**
21 **annual report - repeal.** (1) (a) (II) If an applicant is applying for an
22 instruction permit, ~~or~~ driver's LICENSE, or minor driver's license for the
23 first time in Colorado and the applicant otherwise meets the requirements
24 for ~~such~~ THE license or permit, the applicant shall receive a temporary
25 license, TEMPORARY MINOR DRIVER'S LICENSE, or TEMPORARY instruction
26 permit pursuant to section ~~42-2-106(2)~~ 42-2-106(5) until the department
27 verifies all facts relative to ~~such~~ THE applicant's right to receive an

1 instruction permit, ~~or~~ minor driver's LICENSE, or driver's license, including
2 the age, identity, and residency of the applicant.

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

5 **42-2-602.5. Criminal history of commercial driving instructors**
6 **- rules - definition - repeal.** (1) A COMMERCIAL DRIVING INSTRUCTOR
7 SHALL NOT PROVIDE, AND A COMMERCIAL DRIVING SCHOOL SHALL NOT
8 EMPLOY A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE, DRIVING
9 INSTRUCTION TO A MINOR OR AT-RISK ADULT IF THE COMMERCIAL DRIVING
10 INSTRUCTOR HAS BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF
11 OR PLEAD GUILTY OR NOLO CONTENDERE TO:

12 (a) A VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE 6; ARTICLE
13 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

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

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

20 (2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR
21 AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE DRIVING
22 INSTRUCTION TO A MINOR OR AT-RISK ADULT UNLESS THE COMMERCIAL
23 DRIVING INSTRUCTOR HAS OBTAINED A FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS
25 SECTION; EXCEPT THAT A COMMERCIAL DRIVING INSTRUCTOR MAY
26 PROVIDE DRIVING INSTRUCTION ON A PROBATIONARY BASIS WHILE THE
27 RESULTS OF THE RECORD CHECK ARE PENDING. THE COMMERCIAL DRIVING

1 SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE NAME OF EACH
2 COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO
3 AUTHORIZE TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK
4 ADULTS.

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

17 (II) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
18 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
19 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
20 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
21 INFORMATION FOR MORE THAN THIRTY DAYS.

22 (III) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
23 COMMERCIAL DRIVING INSTRUCTOR'S FINGERPRINTS TO CONDUCT A
24 CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE
25 COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE
26 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
27 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY

1 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION,
2 COMMERCIAL DRIVING INSTRUCTOR, DEPARTMENT, AND ENTITY TAKING
3 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
4 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
5 RECORD CHECK.

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

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

25 (VI) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
26 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (2) REVEAL
27 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL

1 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
2 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

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

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

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

14 **SECTION 5. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly; except that, if a referendum petition is filed pursuant
18 to section 1 (3) of article V of the state constitution against this act or an
19 item, section, or part of this act within such period, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2024 and, in such case, will take
22 effect on the date of the official declaration of the vote thereon by the
23 governor.

24 (2) This act applies to applications for instruction permits and
25 driver's licenses submitted on or after the applicable effective date of this
26 act.