

CHAPTER 135

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 02-128

BY SENATOR(S) Epps;
also REPRESENTATIVE(S) Hefley, Alexander, Borodkin, Boyd, Coleman, Jahn, Marshall, Miller, Romanoff, Stafford, and Williams S.

AN ACT**CONCERNING THE ABILITY OF YOUTH IN OUT-OF-HOME PLACEMENT TO OBTAIN AUTHORITY FROM THE DEPARTMENT OF REVENUE TO DRIVE.**

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

SECTION 1. 42-2-108, Colorado Revised Statutes, is 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 of the applicant, or, in the event neither parent is living, by the person or guardian having proof of legal custody of such minor, or by the spouse of the applicant providing 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~~

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

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, OR FOSTER PARENT SIGNING AN AFFIDAVIT OF LIABILITY IF THE FOLLOWING REQUIREMENTS ARE MET:

(I) THE 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 SIGNS THE APPLICATION FOR AN INSTRUCTION PERMIT;

(II) (A) IF THE MINOR IS IN THE CARE OF A FOSTER PARENT AND IS UNDER SEVENTEEN AND ONE-HALF YEARS OF AGE, THE FOSTER PARENT CONSENTS TO THE MINOR LEARNING DRIVING SKILLS UNDER THE RESTRICTIONS PROVIDED IN THIS SUBSECTION (1); OR

(B) IF THE MINOR IS IN THE CARE OF A FOSTER PARENT AND IS AT LEAST SEVENTEEN AND ONE-HALF YEARS OF AGE, THE GUARDIAN AD LITEM OR THE DESIGNATED OFFICIAL HAS CONSULTED WITH THE FOSTER PARENT PRIOR TO SIGNING THE APPLICATION FOR AN INSTRUCTION PERMIT;

(III) THE APPLICANT IS ENROLLED IN OR WILL BE ENROLLED IN A COMMERCIAL DRIVING COURSE THAT INSURES THE MOTOR VEHICLES IN WHICH THE APPLICANT WILL BE DRIVING AS A STUDENT FOR PROPERTY DAMAGE AND PERSONAL INJURY; AND

(IV) THE COMMERCIAL DRIVING COURSE MAINTAINS POSSESSION OF THE APPLICANT'S INSTRUCTION PERMIT AT ALL TIMES.

(1.5) (a) The application of any person under the age of eighteen years for an instruction permit or minor driver's license shall include the option for a minor to be an organ or tissue donor.

(b) The department shall provide on such permit or minor driver's license information required in section 12-34-105 (5) (a), C.R.S.

(c) Any person under the age of eighteen years who volunteers to donate anatomical gifts by designation on an instructional permit or minor driver's license shall include a notice of consent signed and verified by the father or the mother of the applicant, or, in the event neither parent is living, by the person or guardian having proof of legal custody of such minor, or by the spouse of the applicant if the spouse of the applicant is eighteen years of age or older.

(d) If the person under the age of eighteen years who volunteers to donate anatomical gifts by designation on an instructional permit or minor driver's license is an emancipated minor, a notice of consent is not necessary for an anatomical gift to be valid.

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

(3) In the event this state requires a minor under the age of eighteen years to deposit, or there is deposited upon such minor's behalf, proof of financial responsibility with respect to the operation of a motor vehicle owned by such minor or, if such minor is not the owner of a motor vehicle, with respect to the operating of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when accompanied by an affidavit of liability signed by one parent or the guardian of such minor, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS SECTION. While such proof is maintained, such parent or guardian is not subject to the liability imposed under subsection (2) of this section. NOTHING IN THIS SECTION REQUIRES A FOSTER PARENT TO SIGN AN AFFIDAVIT OF LIABILITY FOR A FOSTER CHILD AND NOTHING IN THIS SECTION PRECLUDES A FOSTER PARENT FROM OBTAINING A NAMED DRIVER'S EXCLUSION ON THE FOSTER PARENT'S INSURANCE POLICY.

(4) (a) For all persons who were issued a minor driver's license on or before June 30, 2001, within twenty days after such a minor reaches the age of eighteen years, such minor shall surrender to the department the minor driver's license and apply for a renewal of the minor driver's license.

(b) This subsection (4) is repealed, effective July 1, 2006.

SECTION 2. 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 2, 2002