

CHAPTER 94

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 05-036

BY SENATOR(S) Williams, May R., Spence, Bacon, Evans, Gordon, Groff, Grossman, Hanna, Isgar, Shaffer, Tochtrop, Veiga, Wiens, and Windels;
 also REPRESENTATIVE(S) May M., Borodkin, Larson, McFadyen, Merrifield, Pommer, Welker, Boyd, Coleman, Frangas, Green, Harvey, McGihon, Paccione, Todd, Vigil, Berens, Curry, Hefley, Lindstrom, Marshall, Sullivan, and Romanoff.

AN ACT

CONCERNING LIMITATIONS ON THE DRIVING PRIVILEGES OF NEWLY LICENSED MINOR DRIVERS, AND, IN CONNECTION THEREWITH, PROHIBITING NEWLY LICENSED MINOR DRIVERS FROM DRIVING DURING CERTAIN HOURS OR CARRYING PASSENGERS WHO ARE UNDER TWENTY-ONE YEARS OF AGE.

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

SECTION 1. Part 1 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-116. Restrictions for minor drivers - definitions. (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE CONTAINING A PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNTIL SUCH DRIVER HAS HELD A VALID DRIVER'S LICENSE FOR AT LEAST SIX MONTHS.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE CONTAINING MORE THAN ONE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNTIL SUCH DRIVER HAS HELD A VALID DRIVER'S LICENSE FOR AT LEAST ONE YEAR.

(c) PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1) SHALL NOT APPLY IF:

(I) THE MOTOR VEHICLE CONTAINS THE MINOR'S PARENT OR LEGAL GUARDIAN OR OTHER RESPONSIBLE ADULT DESCRIBED IN SECTION 42-2-108;

(II) THE MOTOR VEHICLE CONTAINS AN ADULT TWENTY-ONE YEARS OF AGE OR

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

OLDER WHO CURRENTLY HOLDS A VALID DRIVER'S LICENSE AND HAS HELD SUCH LICENSE FOR AT LEAST ONE YEAR;

(III) THE PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE IS IN THE VEHICLE ON ACCOUNT OF A MEDICAL EMERGENCY;

(IV) ALL PASSENGERS WHO ARE UNDER TWENTY-ONE YEARS OF AGE ARE MEMBERS OF THE DRIVER'S IMMEDIATE FAMILY AND ALL SUCH PASSENGERS ARE WEARING A SEATBELT.

(2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), A MINOR DRIVER SHALL NOT OPERATE A MOTOR VEHICLE BETWEEN 12 MIDNIGHT AND 5 A.M. UNTIL SUCH DRIVER HAS HELD A DRIVER'S LICENSE FOR AT LEAST ONE YEAR.

(b) THIS SUBSECTION (2) SHALL NOT APPLY IF:

(I) THE MOTOR VEHICLE CONTAINS THE MINOR'S PARENT OR LEGAL GUARDIAN OR OTHER RESPONSIBLE ADULT DESCRIBED IN SECTION 42-2-108;

(II) THE MOTOR VEHICLE CONTAINS AN ADULT TWENTY-ONE YEARS OF AGE OR OLDER WHO CURRENTLY HOLDS A VALID DRIVER'S LICENSE AND HAS HELD SUCH LICENSE FOR AT LEAST ONE YEAR;

(III) THE MINOR IS DRIVING TO SCHOOL OR A SCHOOL-AUTHORIZED ACTIVITY WHEN THE SCHOOL DOES NOT PROVIDE ADEQUATE TRANSPORTATION, SO LONG AS THE DRIVER POSSESSES A SIGNED STATEMENT FROM THE SCHOOL OFFICIAL CONTAINING THE DATE THE ACTIVITY WILL OCCUR;

(IV) THE MINOR IS DRIVING ON ACCOUNT OF EMPLOYMENT WHEN NECESSARY, SO LONG AS THE DRIVER POSSESSES A SIGNED STATEMENT FROM THE EMPLOYER VERIFYING EMPLOYMENT;

(V) THE MINOR IS DRIVING ON ACCOUNT OF A MEDICAL EMERGENCY; OR

(VI) THE MINOR IS AN EMANCIPATED MINOR.

(3) A VIOLATION OF THIS SECTION IS A TRAFFIC INFRACTION, AND, UPON CONVICTION, THE VIOLATOR MAY BE PUNISHED AS FOLLOWS:

(a) BY THE IMPOSITION OF NOT LESS THAN EIGHT HOURS NOR MORE THAN TWENTY-FOUR HOURS OF COMMUNITY SERVICE FOR A FIRST OFFENSE AND NOT LESS THAN SIXTEEN HOURS NOR MORE THAN FORTY HOURS OF COMMUNITY SERVICE FOR A SUBSEQUENT OFFENSE;

(b) BY THE LEVYING OF A FINE OF NOT MORE THAN FIFTY DOLLARS FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS FOR A SECOND OFFENSE, AND A FINE OF ONE HUNDRED FIFTY DOLLARS FOR A SUBSEQUENT OFFENSE;

(c) BY AN ASSESSMENT OF TWO LICENSE SUSPENSION POINTS PURSUANT TO SECTION 42-2-127 (5) (kk).

(4) FOR THE PURPOSES OF THIS SECTION:

(a) "EMANCIPATED MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE WHOSE PARENTS OR GUARDIAN HAS SURRENDERED PARENTAL RESPONSIBILITIES, CUSTODY, AND THE RIGHT TO THE CARE AND EARNINGS OF SUCH PERSON, AND ARE NO LONGER UNDER A DUTY TO SUPPORT SUCH PERSON.

(b) "MINOR DRIVER" MEANS A PERSON WHO IS OPERATING A MOTOR VEHICLE AND WHO IS UNDER EIGHTEEN YEARS OF AGE.

(5) NO DRIVER IN A MOTOR VEHICLE SHALL BE CITED FOR A VIOLATION OF THIS SECTION UNLESS SUCH DRIVER WAS STOPPED BY A LAW ENFORCEMENT OFFICER FOR AN ALLEGED VIOLATION OF ARTICLES 1 TO 4 OF THIS TITLE OTHER THAN A VIOLATION OF THIS SECTION.

SECTION 2. 42-2-127 (5) (gg), Colorado Revised Statutes, is amended, and the said 42-2-127 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

Type of conviction	Points
(gg) Driving between the hours of 12 midnight and 5 a.m. in violation of section 42-2-105.5 (2)	2
(kk) DRIVING WITH A PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE OR DRIVING BETWEEN 12 MIDNIGHT AND 5 A.M. IN VIOLATION OF SECTION 42-4-116	2

SECTION 3. **Repeal.** 42-2-105.5 (2), Colorado Revised Statutes, is repealed as follows:

42-2-105.5. Restrictions on minor drivers under seventeen years of age - penalties - legislative declaration. (2) ~~(a) No person under seventeen years of age shall drive any motor vehicle between the hours of 12 midnight and 5 a.m. unless accompanied by a parent, guardian, or other responsible adult as referenced in section 42-2-108 or unless driving to the person's place of employment or from the person's place of employment to his or her residence. A person who is under seventeen years of age and who is driving to the person's place of employment or from the person's place of employment to his or her residence between the hours of 12 midnight and 5 a.m. shall have in his or her possession, in addition to a valid minor driver's license, a statement signed by his or her employer or parent, guardian, or other responsible adult stating the time that such person arrives at and leaves his or her place of employment.~~

~~(b) A person under seventeen years of age may drive between the hours of 12 midnight and 5 a.m. in the case of a medical or other type of emergency.~~

~~(c) The curfew set forth in this subsection (2) is not applicable in a city, county,~~

~~or city and county that has enacted its own curfew.~~

SECTION 4. 42-1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(43.5) "IMMEDIATE FAMILY" MEANS A PERSON WHO IS RELATED BY BLOOD, MARRIAGE, OR ADOPTION.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to acts occurring on or after said date.

SECTION 6. 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 21, 2005