

## CHAPTER 179

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 06-1107**

BY REPRESENTATIVE(S) Benefield, Cloer, Green, Larson, Lindstrom, McFadyen, Solano, Sullivan, Vigil, Todd, Kerr J., May M., and Merrifield;  
also SENATOR(S) Shaffer, Williams, Windels, May R., and Teck.

**AN ACT**

**CONCERNING THE REQUIREMENTS PERTAINING TO THE ISSUANCE OF INSTRUCTION PERMITS TO MINORS.**

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

**SECTION 1.** The introductory portion to 42-2-104 (4) (a) and 42-2-104 (4) (a) (II), Colorado Revised Statutes, are amended to read:

**42-2-104. Licenses issued - denied - repeal.** (4) (a) Before the department may issue any type of driver's license, including a temporary driver's license pursuant to section 42-2-106 (2), to a person under ~~the age of~~ eighteen years OF AGE, ~~such~~ THE person shall have:

(II) Submitted a log or other written evidence on a standardized form approved by the department that is signed by his or her parent or guardian or other responsible adult as referenced in section ~~42-2-108~~ 42-2-106 (1) or the instructor of a driver's education course approved by the department, certifying that ~~such~~ THE person has completed ~~at least~~ NOT LESS THAN fifty hours of actual driving experience, of which ~~at least~~ NOT LESS THAN ten hours shall have been COMPLETED while driving at night.

**SECTION 2.** 42-2-106 (1) (a), (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are amended to read:

**42-2-106. Instruction permits and temporary licenses - repeal.** (1) (a) (I) A person who is ~~at least~~ sixteen years of age OR OLDER and who, except for ~~such~~ THE person's lack of instruction in operating a motor vehicle, a motorcycle, or a motor-driven cycle, would otherwise be qualified to obtain a license under this article, may apply for a temporary instruction permit, in accordance with sections

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

42-2-107 and 42-2-108. The department shall issue ~~such~~ A permit entitling ~~the~~ AN applicant, WHO IS SIXTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE, while having ~~such~~ THE permit in ~~such~~ THE applicant's immediate possession, to drive a motor vehicle, a motorcycle, or a motor-driven cycle upon the highways when accompanied by ~~a licensed driver, twenty-one years of age or over~~ THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), WHO HOLDS A VALID COLORADO DRIVER'S LICENSE, AND who ~~is actually occupying~~ OCCUPIES the front seat in close proximity to the driver, or in the case of a motorcycle or a motor-driven cycle, under the immediate proximate supervision of a licensed driver, WHO HOLDS A VALID COLORADO DRIVER'S LICENSE AND IS twenty-one years of age or ~~over~~ OLDER, authorized under this article to drive a motorcycle or a motor-driven cycle. IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104. ~~Such~~ The permit shall expire three years after issuance. THE DEPARTMENT SHALL ISSUE A PERMIT ENTITLING THE APPLICANT, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE UPON THE HIGHWAYS WHEN ACCOMPANIED BY A DRIVER, WHO HOLDS A VALID COLORADO DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER, WHO OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE IMMEDIATE PROXIMATE SUPERVISION OF A DRIVER, WHO IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE. THE PERMIT SHALL EXPIRE THREE YEARS AFTER ISSUANCE.

(II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT MAY APPOINT AN ALTERNATE PERMIT SUPERVISOR. AN ALTERNATE PERMIT SUPERVISOR SHALL HOLD A VALID COLORADO DRIVER'S LICENSE AND BE TWENTY-ONE YEARS OF AGE OR OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVE CYCLE. A MINOR WHO IS ISSUED A PERMIT UNDER THIS PARAGRAPH (a) MAY DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE ALTERNATE PERMIT SUPERVISOR IF THE MINOR HAS THE PERMIT IN THE MINOR'S IMMEDIATE POSSESSION AND THE ALTERNATE PERMIT SUPERVISOR OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER.

(III) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS

AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE, AND HAS PROPER MILITARY IDENTIFICATION, THEN THE APPLICANT, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, SHALL BE AUTHORIZED TO DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO COSIGNED THE APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT, IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER WHILE THE MINOR IS DRIVING.

(b) (I) ~~Any~~ A minor ~~of the age of~~ WHO IS fifteen years ~~who~~ OF AGE OR OLDER AND is enrolled, ATTENDING, AND PARTICIPATING in a driver education course THAT INCLUDES A MINIMUM OF SIX HOURS OF DRIVING-BEHIND-THE-WHEEL INSTRUCTION WITH A CERTIFIED DRIVER EDUCATION INSTRUCTOR AND IS approved by the department may apply for a minor's instruction permit, pursuant to sections 42-2-107 and 42-2-108. Upon presentation of a written or printed statement signed by the parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT and the instructor of the driver education course that ~~such~~ THE minor is enrolled, ATTENDING, AND PARTICIPATING in an approved driver education course THAT INCLUDES A MINIMUM OF SIX HOURS OF DRIVING-BEHIND-THE-WHEEL INSTRUCTION WITH A CERTIFIED DRIVER EDUCATION INSTRUCTOR, the department shall issue ~~such~~ THE permit entitling the applicant, while having ~~such~~ THE permit in ~~such~~ THE applicant's immediate possession, to drive a motor vehicle, ~~excluding~~ INCLUDING a motorcycle or motor-driven cycle, under the supervision of the parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT, who cosigned the application for the minor's instruction permit, if ~~such~~ THE parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT holds a valid COLORADO driver's license ~~Such~~ AND OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE AND IS IN CLOSE PROXIMITY TO THE DRIVER WHILE THE MINOR IS DRIVING. IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104. THE permit shall also entitle the applicant to drive a motor vehicle, including a motorcycle or motor-driven cycle ~~which~~ THAT is marked ~~so as~~ to indicate that it is a motor vehicle used for instruction and ~~which~~ THAT is properly equipped for ~~such~~ instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid COLORADO driver's license. Driver education instructors giving instruction in motorcycle safety ~~must~~ SHALL have a valid motorcycle driver's license FROM COLORADO and ~~must~~ SHALL have successfully completed an instruction program in motorcycle safety approved by the department. ~~Such~~ THE permit shall expire three years after issuance.

(II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT MAY APPOINT AN ALTERNATE PERMIT SUPERVISOR. AN ALTERNATE PERMIT SUPERVISOR SHALL HOLD A VALID COLORADO DRIVER'S LICENSE AND BE TWENTY-ONE YEARS OF AGE OR OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVE CYCLE. A MINOR WHO IS ISSUED A PERMIT UNDER THIS PARAGRAPH (b) MAY DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE ALTERNATE PERMIT SUPERVISOR IF THE MINOR HAS THE PERMIT IN THE MINOR'S IMMEDIATE POSSESSION AND THE ALTERNATE PERMIT SUPERVISOR OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER.

(III) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE, AND HAS PROPER MILITARY IDENTIFICATION, THEN THE APPLICANT, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, SHALL BE AUTHORIZED TO DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO COSIGNED THE APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT, IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER WHILE THE MINOR IS DRIVING.

(c) ~~Any~~ A person sixteen years of age or older who, except for ~~such applicant's~~ HIS OR HER lack of instruction in operating a motorcycle or motor-driven cycle, would otherwise be qualified to obtain a driver's license under this article to drive a motorcycle or motor-driven cycle, may apply for a temporary instruction permit, pursuant to sections 42-2-107 and 42-2-108. The department shall issue ~~such~~ THE permit entitling the applicant, while having ~~such~~ THE permit in ~~such~~ THE applicant's immediate possession, to drive a motorcycle or motor-driven cycle upon the highways while under the immediate supervision of a licensed driver, WHO HOLDS A VALID COLORADO DRIVER'S LICENSE AND IS twenty-one years of age or older, authorized under this article to drive a motorcycle or motor-driven cycle. ~~Such~~ THE permit shall expire three years after issuance.

(d) (I) A minor fifteen and one-half years of age BUT LESS THAN SIXTEEN YEARS OF AGE who has completed a four-hour prequalification driver awareness program approved by the department may apply for a minor's instruction permit pursuant to sections 42-2-107 and 42-2-108. Upon presenting a written or printed statement signed by the parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT of the applicant and documentation that the minor completed ~~such~~ THE driver awareness program, the department shall issue a permit entitling the

applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, ~~excluding~~ INCLUDING a motorcycle or motor-driven cycle, under the supervision of the parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT, who cosigned the application for the minor's instruction permit, if ~~such~~ THE parent, stepparent, grandparent with power of attorney, or guardian OR FOSTER PARENT holds a valid COLORADO driver's license ~~Such~~ AND OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE AND IS IN CLOSE PROXIMITY TO THE DRIVER WHILE HE OR SHE IS DRIVING. IN ADDITION, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO IS AUTHORIZED PURSUANT TO THIS SECTION TO SUPERVISE THE MINOR DRIVER WHILE THE MINOR IS DRIVING, MAY ALLOW THE MINOR, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL DRIVING EXPERIENCE, BUT SUCH ADDITIONAL DRIVING EXPERIENCE SHALL NOT COUNT TOWARD THE REQUIREMENT ESTABLISHED IN SECTION 42-2-104. THE permit shall expire three years after issuance.

(II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT MAY APPOINT AN ALTERNATE PERMIT SUPERVISOR. AN ALTERNATE PERMIT SUPERVISOR SHALL HOLD A VALID COLORADO DRIVER'S LICENSE AND BE TWENTY-ONE YEARS OF AGE OR OLDER, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS AUTHORIZED UNDER THIS ARTICLE TO DRIVE A MOTORCYCLE OR MOTOR-DRIVEN CYCLE. A MINOR WHO IS ISSUED A PERMIT UNDER THIS PARAGRAPH (d) MAY DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE ALTERNATE PERMIT SUPERVISOR IF THE MINOR HAS THE PERMIT IN THE MINOR'S IMMEDIATE POSSESSION AND THE ALTERNATE PERMIT SUPERVISOR OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER.

(III) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO SIGNED THE AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108 (1) (a), DOES NOT HOLD A VALID COLORADO DRIVER'S LICENSE, BUT HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE AND IS AUTHORIZED TO DRIVE A MOTOR VEHICLE, MOTORCYCLE, OR MOTOR-DRIVEN CYCLE, AND HAS PROPER MILITARY IDENTIFICATION, THEN THE APPLICANT, WHILE HAVING THE PERMIT IN THE APPLICANT'S IMMEDIATE POSSESSION, SHALL BE AUTHORIZED TO DRIVE A MOTOR VEHICLE, INCLUDING A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, UNDER THE SUPERVISION OF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT, WHO COSIGNED THE APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT, IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, OR GUARDIAN OR FOSTER PARENT OCCUPIES THE FRONT SEAT OF THE MOTOR VEHICLE, OR IF THE VEHICLE IS A MOTORCYCLE OR MOTOR-DRIVEN CYCLE, IS IN CLOSE PROXIMITY TO THE DRIVER WHILE THE MINOR IS DRIVING.

**SECTION 3.** 42-2-108 (1) (a), 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 OF AGE for an instruction permit or minor driver's license shall be accompanied by an affidavit of liability signed and verified by the ~~father, mother~~ PARENT, stepparent, or grandparent with power of attorney, ~~of the applicant, or, in the event neither parent is living, by the person or guardian, having proof of legal custody of such minor, by a stepparent, or by the spouse of the applicant if 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~~ AN 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~~ THE 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~~ THE applicant, or a designated official of the division of youth corrections in the department of human services having custody of ~~such~~ THE applicant may sign the application for an instruction permit without signing the affidavit of liability for ~~such~~ THE 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 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~~ THE minor about the opportunity for ~~such~~ THE 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~~ A 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~~ THE minor shall be accompanied by the person who signed the affidavit of liability for ~~such~~ THE minor or by the guardian ad litem or designated official who signed the application for an instruction permit for ~~such~~ THE minor. If ~~such~~ THE person WHO SIGNED THE MINOR'S AFFIDAVIT OF LIABILITY OR APPLICATION FOR AN INSTRUCTION PERMIT is unable to attend the hearing, ~~such person~~ HE OR SHE shall submit to the department a verified signed statement certifying under oath that ~~such person~~ HE OR SHE is aware of the purpose of the hearing but cannot attend.

**SECTION 4. Effective date.** This act shall take effect July 1, 2006.

**SECTION 5. 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 1, 2006