

## CHAPTER 38

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 10-1059**

BY REPRESENTATIVE(S) Gagliardi, Casso, Fischer, Frangas, Hullinghorst, King S., Labuda, McFadyen, Merrifield, Pommer, Ryden, Schafer S., Todd, Vigil, Looper, Primavera, Solano;  
also SENATOR(S) Newell, Boyd, Heath, Hodge, Hudak, Kopp, Sandoval, Shaffer B., Steadman, Whitehead, Williams.

**AN ACT**

**CONCERNING ALLOWING A MINOR WHO IS IN THE FOSTER CARE SYSTEM TO REGISTER FOR A DRIVER EDUCATION COURSE PRIOR TO APPLYING FOR AN INSTRUCTION PERMIT WITHOUT A SIGNED AFFIDAVIT OF LIABILITY.**

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

**SECTION 1.** 42-2-106 (1) (b) (I), Colorado Revised Statutes, is amended to read:

**42-2-106. Instruction permits and temporary licenses.** (1) (b) (I) A minor who is fifteen years of age or older and has completed a department-approved driver education course within the last six months may apply for a minor's instruction permit, pursuant to sections 42-2-107 and 42-2-108. **NOTHING IN THIS SUBPARAGRAPH (I) SHALL REQUIRE A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND IN THE FOSTER CARE SYSTEM TO COMPLETE AND PRESENT AN AFFIDAVIT OF LIABILITY TO REGISTER FOR A DEPARTMENT-APPROVED DRIVER EDUCATION COURSE PRIOR TO APPLYING FOR A MINOR'S INSTRUCTION PERMIT.** 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 the minor has passed an approved driver education course, AND A SIGNED AFFIDAVIT OF LIABILITY PURSUANT TO SECTION 42-2-108, the department shall issue the permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, including a motorcycle, 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 holds a valid Colorado driver's license and occupies the front seat of the motor vehicle or, if the vehicle is a motorcycle, is

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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.*

authorized under this article to drive a motorcycle 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, that is marked to indicate that it is a motor vehicle used for instruction and that is properly equipped for 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 shall have a valid motorcycle driver's license from Colorado and shall have successfully completed an instruction program in motorcycle safety approved by the department. The permit shall expire three years after issuance.

**SECTION 2. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); 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 such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 23, 2010