

# **Transportation Legislation Review Committee**

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*October 2018*



# Transportation Legislation Review Committee

## Committee Charge

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Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of that development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including those that impose penalties for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete financial or performance audits. The committee may also conduct a post-operation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

## Committee Activities

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During the 2018 interim, the TLRC toured the north-central and northwest regions of the state to visit infrastructure projects, tour transportation facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. The following subsections discuss the TLRC's actions during the 2018 interim.

*Northern and Northwest tour.* As part of the committee's Northern and Northwest tour, the committee undertook the following activities:

- discussion and tour of Weld County Road 49;
- discussion and tour of State Highway 402 and I-25 interchange;
- en route tour of US 34 and Trail Ridge Road;
- tour of the Eagle Valley Clean Energy Biomass Plant;
- tour of the new Grand Avenue Bridge in Glenwood Springs;
- tour of the Aspen-Pitkin County Airport; and
- discussion and tour with the Roaring Fork Regional Transportation Authority.

*Public highway authorities.* Representatives from the E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) provided overviews of their agencies.

- *E-470*. The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver’s east side. The highway was completed in 2003, and rolled out all-electronic tolling in 2009. The E-470 representatives discussed several capital improvement projects underway on the toll road and the authority’s bond debt. Representatives highlighted the authority’s plan to accommodate growth along the corridor and discussed the discontinuation of the PHA fee. An E-470 representative also discussed the authority’s work as the state’s electronic toll provider and the increase in the usage of managed lanes.
- *Northwest Parkway*. Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided an overview of their concession agreement, information on expansion possibilities, traffic history, and toll revenue statistics.
- *Jefferson Parkway*. The Jefferson Parkway PHA was established in 2003 to complete the last unbuilt portion of the 470 beltway in the northwest quadrant of the Denver metropolitan area. Representatives of the authority discussed the authority’s history and the next steps the authority will undertake towards completion of the parkway.

***Electricity transmission.*** The committee heard presentations from several panels about electricity generation and transmission in Colorado. A public utilities commissioner, in his personal capacity, gave the committee an overview of the sector and some contextual background information. The committee also heard from representatives of investor-owned utilities, generation and transmission utilities, municipal utilities, rural electric associations, and third-party interveners. The panels discussed numerous topics, including Colorado’s potential participation in a regional transmission organization.

***CDOT right-of-way.*** CDOT representatives discussed the how recent litigation has affected their right-of-way process. Representatives highlighted the changes between the prior process and the new acquisition process following the Colorado Supreme Court’s decision in *Department of Transportation v. Amerco Real Estate Company and U-Haul of Colorado*. The state’s Chief Engineer answered questions about the current CDOT condemnation process. This conversation resulted in Bill A.

***Colorado Wyoming Petroleum Marketers Association.*** Representatives of the Colorado Wyoming Petroleum Marketers Association (CWPMA) discussed the transportation of hazardous materials with the committee. CWPMA, founded in 1934, represents petroleum marketers of wholesale and retailers of gasoline, special fuels, and lubricants. The representative highlighted several topics, including the transportation of hazardous materials through the Eisenhower- Edwin C. Johnson Memorial Tunnel, hazardous materials designated routes, and potential policy ideas.

***Colorado Motor Carriers Association.*** A representative of the Colorado Motor Carriers Association (CMCA) gave the committee an update on the trucking industry in Colorado. The representative highlighted the organization’s economic impact in Colorado and discussed trucking safety. The organization’s key concerns for the future include a critical shortage of drivers and reducing the age

of qualification for a commercial driver license from 21 to 18. Additionally, along with CWPMA, representatives discussed their support of easier access to driver licenses for children in foster care. This discussion resulted in Bill B on commercial driver license age requirements and Bill C on driver licenses for foster children.

***Regional Transportation District (RTD).*** Representatives from the RTD briefed the committee on recent developments, including the University of Colorado A-Line to the airport, the status of the G-Line to Arvada and Golden, and the new 2019 fare policy. The representatives also discussed at-grade crossing issues face by RTD. Finally, representatives updated the committee on the Civic Center Station revitalization, other 16th Street Mall projects, and new technology products offered by RTD, such as Smartcards and a mobile application. Representatives responded to questions from the committee about issues related to RTD's services, collective bargaining, the new fare program, and the at-grade crossing issues.

***Division of Motor Vehicles.*** A representative from the Division of Motor Vehicles (DMV) within DOR provided an overview of customer service improvements and the issues related to the implementation of the DRIVES project. The DRIVES project replaced the outdated Driver License System and Colorado State Titling and Registration System with a modern, web-based system. Representatives also provided the committee with information on self-service kiosk pilot, license plates and the retirement of group special license plates, and other topics related to the state's registration and titling system.

***CDOT and managed toll lanes.*** Senate Bill 18-001 required CDOT to conduct a data driven study of the use of managed lanes throughout the state. Representatives of the High Performance Transportation Enterprise (HPTE) presented to the committee an overview of toll and express lanes in Colorado. Representatives discussed several results of the Senate Bill 18-001 study including, but not limited to: the number of managed lanes and lane miles; how express lanes are used to finance projects; findings related to transit, safety, and public perception; trips of managed lanes by different types of vehicles; corridor specific impacts; and several key takeaways from the study.

***Colorado municipalities and counties.*** Representatives of the Colorado Municipal League and Colorado Counties Inc., along with representatives of the town of Dillon, town of Silverthorne, Summit County, and the city of Aurora, presented to the committee on the transportation of hazardous materials through their communities.

## Committee Recommendations

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As a result of committee discussion and deliberation, the TLRC recommends the following three bills for consideration in the 2019 legislative session.

**Bill A — Requirements for CDOT Property Acquisitions.** Under current law, the Chief Engineer of CDOT must provide a written report to the Transportation Commission when a project to alter a state highway requires land acquisition. The Transportation Commission must then determine if the project will serve the public interest or convenience and may adopt a resolution authorizing the Chief Engineer to offer affected landowners appropriate compensation.

Under Bill A, the Chief Engineer of CDOT may acquire land by purchase or exchange through negotiations, and is not required to provide information about the land acquired to the Transportation Commission. If negotiations to acquire land have failed and the Chief Engineer of CDOT determines that filing a petition of condemnation is necessary, he or she must submit a written report to the Transportation Commission describing the project. The Transportation Commission may then adopt a resolution approving the action.

**Bill B — Commercial Vehicle Driver Age.** Currently, persons must be 21 years old to obtain a commercial driver license. Bill B decreases the age to obtain a commercial driver license from 21 to 18, if allowed under federal regulations.

**Bill C — Foster Children Driver Licenses.** Bill C clarifies that a minor who is at least 16 years of age can purchase auto insurance. It exempts a foster child from having a foster parent or other legal guardian sign an affidavit of liability if he or she holds evidence of financial responsibility. It lowers the age that the state or a county must obtain permission from a foster parent or guardian to help a foster child obtain an instruction permit from 17 1/2 years old to 17 years old. It allows each county department of human services or social services that has custody of a foster child or ward of the court to implement a program that provides foster kids under the age of 18 with an instruction permit if the minor's foster parent consents or the county has first consulted with the foster parent for a child 17 years old or older. Further, it allows anyone who is at least 21 of age and holds a driver license to instruct a foster child with an instruction permit and sign a foster child's driving logs.

The bill directs the Department of Personnel and Administration (DPA) to create a program that pools the insurance of a child who has been in a foster home for at least one year with the insurance on the state fleet to make it less expensive for the foster child. DPA may accept gifts, grants, and donations to implement this program.

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

BILL A

LLS NO. 19-0188.01 Jason Gelender x4330

SENATE BILL

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SENATE SPONSORSHIP

Zenzinger, Todd

HOUSE SPONSORSHIP

Roberts, Ginal, McLachlan

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE EXEMPTION OF THE DEPARTMENT OF  
102 TRANSPORTATION FROM EXISTING REPORTING AND  
103 TRANSPORTATION COMMISSION APPROVAL REQUIREMENTS  
104 WHEN IT ACQUIRES LAND NEEDED FOR SPECIFIED  
105 HIGHWAY-RELATED PURPOSES BY MEANS OTHER THAN  
106 CONDEMNATION.

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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/>.)*

**Transportation Legislation Review Committee.** Current law

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

provides that when the department of transportation (CDOT) needs to acquire land in order to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway, it may only acquire the land after:

- The chief engineer of CDOT has provided a written report to the transportation commission that describes the project and all land to be acquired for the project, includes a map of the existing and future boundaries of the highway, and estimates the damages and benefits to each affected landowner; and
- The transportation commission has determined that the project will serve public interest or convenience and adopted a resolution authorizing the chief engineer to offer affected landowners appropriate compensation.

The bill authorizes CDOT, acting through the chief engineer, to acquire land in such circumstances by purchase or exchange without providing the report or obtaining transportation commission approval. If CDOT needs to acquire land in such circumstances through condemnation, it must provide the report and obtain transportation commission approval.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Section 43-1-208, Colorado Revised Statutes, has for many  
5 years specified that when the chief engineer of the department of  
6 transportation deems it desirable to establish a state highway or make  
7 specified types of changes to an existing state highway:

8 (I) The chief engineer must provide a written report to the  
9 transportation commission that describes the project and all land to be  
10 acquired for the project, includes a map of the existing and future  
11 boundaries of the highway, and estimates the damages and benefits to  
12 each affected landowner;

13 (II) The transportation commission must determine if the project  
14 will serve public interest or convenience and adopt a resolution

1 authorizing the chief engineer to offer affected landowners appropriate  
2 compensation before the chief engineer may acquire land; and

3 (III) The department of transportation may acquire any land  
4 needed for the project by condemnation if the landowner declines the  
5 chief engineer's offer of compensation;

6 (b) Because the department of transportation must regularly  
7 acquire land adjacent to state highways and many acquisitions are routine,  
8 the transportation commission adopted a resolution in 1994 that directed  
9 the department to act on the transportation commission's behalf with  
10 respect to both the approval for land acquisition actions and the tendering  
11 of payments to landowners for damages in connection with previously  
12 approved highway projects;

13 (c) Thereafter, believing that the transportation commission had,  
14 through the 1994 resolution, authorized it to acquire land for the purposes  
15 specified in section 43-1-208, Colorado Revised Statutes, without  
16 obtaining additional commission approval for each acquisition, the  
17 department of transportation regularly acquired land without such  
18 additional approval for over twenty years; and

19 (d) In 2016, in *DOT v. Amerco Real Estate Co.*, 2016 CO 62, the  
20 Colorado Supreme Court held that:

21 (I) The transportation commission cannot legally delegate its  
22 section 43-1-208, Colorado Revised Statutes, obligations to make a  
23 determination of public interest or convenience and approve the payment  
24 of compensation to affected landowners before authorizing the  
25 department of transportation to acquire land for the purposes specified in  
26 the statute; and

27 (II) The 1994 resolution therefore did not grant the department of

1 transportation authority to acquire land for the purposes specified in the  
2 statute without transportation commission approval and the transportation  
3 commission must instead determine if a project that requires the  
4 acquisition of land will serve public interest or convenience and adopt a  
5 resolution authorizing the chief engineer to offer affected landowners  
6 appropriate compensation as specified in the statute.

7 (2) The general assembly further finds and declares that:

8 (a) Because the department of transportation must regularly  
9 acquire land for the purposes set forth in section 43-1-208, Colorado  
10 Revised Statutes, and in most instances can do so with the agreement of  
11 the affected landowner and because of the *Amerco* decision, the reporting  
12 and transportation commission approval requirements of section  
13 43-1-208, Colorado Revised Statutes, are, in most instances, unnecessary,  
14 administratively burdensome, and inefficient; and

15 (b) Because instances in which a landowner does not agree to sell  
16 the owner's land to the department of transportation are comparatively  
17 infrequent, it is necessary, appropriate, and not unduly burdensome to the  
18 state to continue to require reporting and transportation commission  
19 approval as specified in section 43-1-208, Colorado Revised Statutes, for  
20 those instances in which a petition in condemnation will be filed to  
21 acquire land for the purposes specified in the statute.

22 **SECTION 2.** In Colorado Revised Statutes, 43-1-208, **amend** (1)  
23 and (2); and **repeal** (3) as follows:

24 **43-1-208. State highway - damages - eminent domain.** (1) IF  
25 the chief engineer ~~when he~~ deems it desirable to establish, open, relocate,  
26 widen, add mass transit to, or otherwise alter a portion of a state highway,  
27 NEGOTIATIONS TO ACQUIRE THE LAND HAVE FAILED, AND THE CHIEF

1 ENGINEER DETERMINES THAT FILING A PETITION IN CONDEMNATION  
2 PURSUANT TO ARTICLE 1 OF TITLE 38 IS NECESSARY ~~or when so required~~  
3 ~~by~~ IF THE COMMISSION OTHERWISE SO REQUIRES, THE CHIEF ENGINEER SHALL  
4 make a written report to the commission describing the portion of the  
5 highway to be established, opened, added to, or changed and the ~~portions~~  
6 ~~of land of each landowner to be taken for the purpose and~~ ACQUIRED BY  
7 A PETITION IN CONDEMNATION. THE CHIEF ENGINEER SHALL ACCOMPANY ~~his~~  
8 THE report with a map showing the present and proposed boundaries of  
9 the portion of the highway to be established, opened, added to, or  
10 changed, together with an estimate of the damages and benefits accruing  
11 to each landowner ~~whose land may be affected thereby~~ AGAINST WHOSE  
12 LAND A PETITION IN CONDEMNATION WILL BE FILED. THE CHIEF ENGINEER  
13 MAY ALSO ACQUIRE LAND BY PURCHASE OR EXCHANGE OR THROUGH  
14 NEGOTIATIONS PRIOR TO THE FILING OF A PETITION IN CONDEMNATION AND  
15 IS NOT REQUIRED TO PROVIDE ANY INFORMATION ABOUT LAND SO  
16 ACQUIRED TO THE COMMISSION UNDER THIS SECTION.

17 (2) If, upon receipt of ~~such~~ THE report, the commission decides  
18 that public interest or convenience will be served by the proposed ~~change~~  
19 ACTION AND THE FILING OF A PETITION IN CONDEMNATION FOR THE LAND  
20 PURSUANT TO ARTICLE 1 OF TITLE 38, it shall ~~enter~~ ADOPT a resolution  
21 ~~upon its minutes approving the same and authorizing the chief engineer~~  
22 ~~to tender each landowner the amount of damages, as estimated by him~~  
23 ~~and approved by the commission. In estimating the amount of damages~~  
24 ~~to be tendered a landowner, due account shall be taken of any benefits~~  
25 ~~which will accrue to such landowner by the proposed action. The amount~~  
26 ~~of benefit shall not in any case exceed the amount of damages awarded.~~  
27 ACTION AND THE FILING OF A PETITION IN CONDEMNATION FOR THE LAND.

1 THEREUPON THE COMMISSION, ACTING THROUGH THE DEPARTMENT,  
2 SHALL PROCEED IN THE ACQUISITION OF THE LAND, UNDER ARTICLES 1 TO  
3 7 OF TITLE 38, WITHOUT TENDER OR OTHER PROCEEDINGS UNDER THIS  
4 PART 2.

5 (3) ~~Any person owning land or having an interest in any land over~~  
6 ~~which any proposed state highway extends who is of the opinion that the~~  
7 ~~tender made to him by the transportation commission is inadequate,~~  
8 ~~personally or by agent or attorney on or before ten days from the date of~~  
9 ~~such tender, may file a written request addressed to the transportation~~  
10 ~~commission for a jury to ascertain the compensation which he may be~~  
11 ~~entitled to by reason of damages sustained by altering, widening,~~  
12 ~~changing, or laying out such state highway. Thereupon the transportation~~  
13 ~~commission shall proceed in the acquisition of such premises, under~~  
14 ~~articles 1 to 7 of title 38, C.R.S. The transportation commission also has~~  
15 ~~the power and is authorized to proceed in the acquisition of the lands of~~  
16 ~~private persons for state highway purposes, according to said articles 1 to~~  
17 ~~7 of title 38, C.R.S., without tender or other proceedings under this part~~  
18 ~~2.~~

19 **SECTION 3.** In Colorado Revised Statutes, 38-1-202, **amend** (1)  
20 introductory portion and (1)(b)(IV)(I) as follows:

21 **38-1-202. Governmental entities, corporations, and persons**  
22 **authorized to use eminent domain.** (1) The following governmental  
23 entities, types of governmental entities, and public corporations, in  
24 accordance with all procedural and other requirements specified in this  
25 ~~article~~ ARTICLE 1 and articles 2 to 7 of this ~~title~~ TITLE 38 and to the extent  
26 and within any time frame specified in the applicable authorizing statute,  
27 may exercise the power of eminent domain:

1 (b) The state:

2 (IV) By action of the general assembly or by action of any of the  
3 following officers and agencies of the state:

4 (I) The transportation commission created in section 43-1-106,  
5 ~~C.R.S.~~, as authorized in ~~section 43-1-208 (3), C.R.S.~~ SECTION 43-1-208  
6 (2);

7 **SECTION 4. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**BILL B**

LLS NO. 19-0190.01 Jery Payne x2157

**SENATE BILL**

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**SENATE SPONSORSHIP**

**Scott, Marble, Todd**

**HOUSE SPONSORSHIP**

**McLachlan, Buck, Lewis, Saine**

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**A BILL FOR AN ACT**

101      **CONCERNING THE AGE REQUIREMENT TO DRIVE A COMMERCIAL**  
102      **VEHICLE IN INTERSTATE COMMERCE.**

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**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/>.)*

**Transportation Legislation Review Committee.** The bill authorizes the department of revenue to adopt rules authorizing a person who is at least 18 years of age but under 21 years of age to be licensed to drive a commercial vehicle in interstate commerce if the person holds a commercial driver's license and operation of a commercial vehicle in interstate commerce by a person in that age range is permitted under

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federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-404, **amend** (4)  
3 as follows:

4 **42-2-404. License for drivers - limitations - rules.** (4) (a) ~~The~~  
5 ~~provisions of~~ This part 4 ~~shall~~ DOES not apply to any person who is at  
6 least eighteen years of age but less than twenty-one years of age and who  
7 operates a commercial motor vehicle upon the highways of this state  
8 solely in intrastate operations. ~~Pursuant to the provisions of~~ IN  
9 ACCORDANCE WITH section 42-2-101 (4), ~~no such~~ A person of ~~such~~ THIS  
10 age shall NOT operate any commercial motor vehicle upon the highways  
11 ~~of this state~~ unless ~~such~~ THE person has been issued and is in immediate  
12 possession of a minor driver's license of the correct type ~~of~~ OR general  
13 class for the type or general class of motor vehicle ~~which~~ THAT is issued.

14 (b) THE DEPARTMENT MAY PROMULGATE RULES AUTHORIZING A  
15 PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN  
16 TWENTY-ONE YEARS OF AGE TO BE LICENSED TO DRIVE A COMMERCIAL  
17 VEHICLE IN INTERSTATE COMMERCE IF:

18 (I) THE PERSON HOLDS A COMMERCIAL DRIVER'S LICENSE; AND

19 (II) FEDERAL LAW AUTHORIZES THE PERSON TO DRIVE A  
20 COMMERCIAL VEHICLE IN INTERSTATE COMMERCE.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2020 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**BILL C**

LLS NO. 19-0186.01 Jery Payne x2157

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Saine and Jackson**, McLachlan, Roberts

**SENATE SPONSORSHIP**

**Marble and Todd**, Zenzinger

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ISSUANCE OF DRIVING AUTHORIZATION DOCUMENTS TO**  
102 **FOSTER CHILDREN WHO ARE UNDER EIGHTEEN YEARS OF AGE.**

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**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/>.)*

**Transportation Legislation Review Committee. Section 1** of the bill clarifies that a minor who is at least 16 years of age can purchase auto insurance.

**Section 2** exempts a foster child from being required, when being issued a driver's license, to have his or her foster parent or other legal guardian sign an affidavit of liability if the child holds evidence of

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
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financial responsibility in his or her own name. Section 2 also authorizes counties to provide a service that exempts foster children from needing a foster parent or other legal guardian to sign an affidavit of liability. The county may accept and expend gifts, grants, or donations to implement this program.

Under current law, a county must obtain the permission of a foster parent to help a foster child obtain an instruction permit without a responsible adult signing an affidavit of liability, but the county need not obtain this permission if the foster child is at least 17 1/2 years of age. Section 2 lowers this requirement to age 17.

To be issued a driver's license, current law requires a minor to submit driving logs showing 50 hours of instruction. **Section 3** allows any person who is at least 21 years of age and who holds a driver's license to sign a foster child's driving logs if the person provided the instruction and the foster child has provided proof of financial responsibility.

Current law, with some exceptions, requires a person who is under 16 years of age and who was issued an instruction permit to be instructed in driving by the person who signed the affidavit of liability. **Section 4** authorizes anyone who is at least 21 years of age and who holds a driver's license to instruct a foster child with a driving permit.

**Section 5** directs the department of personnel to create a program that pools insurance of a child who has been in a foster home for at least one year with the insurance on the state fleet to make insurance less expensive for the foster child. The department of personnel may accept and expend gifts, grants, or donations to implement this program.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 10-4-104 as  
3 follows:

4           **10-4-104. Competency of minor to contract for insurance -**  
5 **nonavoidance.** Any minor ~~of the age of sixteen years OF AGE or over~~  
6 OLDER may, notwithstanding his OR HER minority, contract for insurance,  
7 INCLUDING MOTOR VEHICLE INSURANCE, upon his OR HER own property  
8 or liabilities. ~~Such a~~ THE minor shall, ~~notwithstanding such minority, be~~  
9 ~~deemed~~ IS HEREBY DETERMINED TO BE competent to exercise all rights  
10 and powers with respect to or under any such contract as might be  
11 exercised by a person of full legal age and may at any time surrender his

1 THE MINOR'S interest in ~~any such contracts~~ THE CONTRACT and give valid  
2 discharge for any benefits accruing or money payable thereunder. ~~Such~~  
3 ~~a minor shall not, by reason of his minority, be~~ HAVING ENTERED INTO A  
4 CONTRACT FOR INSURANCE, THE MINOR IS NOT entitled to rescind, avoid,  
5 or repudiate the contract nor to rescind, avoid, or repudiate any exercise  
6 of a right or privilege ~~thereunder~~ UNDER THE CONTRACT.

7 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend**  
8 (1)(a), (1)(b) introductory portion, (1)(b)(II), and (3); and **add** (1.5)(e) as  
9 follows:

10 **42-2-108. Application of minors.** (1) (a) (I) The application of  
11 any person under eighteen years of age for an instruction permit or minor  
12 driver's license must be accompanied by EITHER:

13 (A) An affidavit of liability signed and verified by the parent,  
14 stepparent, FOSTER PARENT, grandparent with power of attorney,  
15 guardian, spouse of the applicant if the spouse is eighteen years of age or  
16 older, or ~~in the event there is no such person, guardian, or spouse,~~ any  
17 other responsible adult who ~~is willing to assume~~ ASSUMES the obligation  
18 imposed under this article 2 ~~upon an adult~~ BY signing the affidavit of  
19 liability for a minor; OR

20 (B) EVIDENCE OF FINANCIAL RESPONSIBILITY HELD IN THE NAME  
21 OF THE MINOR IF THE MINOR IS A FOSTER CHILD.

22 (II) When an applicant has been made a ward of any court in the  
23 state for any reason and has been placed in a foster home, the foster  
24 parents or parent may sign the affidavit of liability for the minor. If the  
25 parent or foster parent is unwilling or unable to sign the affidavit of  
26 liability, a guardian ad litem, a designated official of the county  
27 department of human or social services having custody of the applicant,

1 or a designated official of the division of youth services in the state  
2 department of human services having custody of the applicant may sign  
3 the application for an instruction permit without signing the affidavit of  
4 liability for the minor if the requirements of subsection (1)(b) of this  
5 section are met; except that, prior to signing the application for an  
6 instruction permit, the guardian ad litem or other designated official shall  
7 notify the court of his or her intent to sign the application, and except that,  
8 the guardian ad litem or designated official shall not sign the application  
9 for an instruction permit for a minor who is placed in a foster care home  
10 and is under seventeen ~~and one-half~~ years of age without first obtaining  
11 the consent of the foster parent. If the minor is seventeen ~~and one-half~~  
12 years of age or older and is in the care of a foster parent, in order to  
13 prepare the minor for emancipation from foster care and to assist the  
14 minor in obtaining important life skills, the guardian ad litem or  
15 designated official shall consult with the foster parent of the minor about  
16 the opportunity for the minor to learn driving skills under the restrictions  
17 provided in subsection (1)(b) of this section prior to signing an  
18 application for an instruction permit. The guardian ad litem or designated  
19 official shall solicit the opinion of the minor's foster parent concerning  
20 the minor's ability to exercise good judgment and make decisions as well  
21 as the minor's overall capacity to drive.

22 (III) When a minor to whom an instruction permit or minor  
23 driver's license has been issued is required to appear before the  
24 department for a hearing ~~pursuant to any provision of~~ IN ACCORDANCE  
25 WITH this article 2, the ~~minor must be accompanied by the~~ person who  
26 signed the affidavit of liability for the minor or ~~by~~ the guardian ad litem  
27 or designated official who signed the application for an instruction permit

1 for the minor SHALL ACCOMPANY THE MINOR. If the person who signed  
2 the minor's affidavit of liability or application for an instruction permit is  
3 unable to attend the hearing, he or she shall submit to the department a  
4 verified signed statement certifying under oath that he or she is aware of  
5 the purpose of the hearing but cannot attend.

6 (b) The department shall issue an instruction permit to an  
7 applicant under ~~the age of~~ eighteen years OF AGE who is otherwise  
8 eligible to obtain an instruction permit and who has been made a ward of  
9 the court and who is in out-of-home placement without the requirement  
10 of a parent, guardian, stepparent, or foster parent signing an affidavit of  
11 liability if the following requirements are met:

12 (II) (A) If the minor is in the care of a foster parent and is under  
13 seventeen ~~and one-half~~ years of age, the foster parent consents to the  
14 minor learning driving skills under the restrictions provided in this  
15 subsection (1); or

16 (B) If the minor is in the care of a foster parent and is at least  
17 seventeen ~~and one-half~~ years of age, the guardian ad litem or the  
18 designated official has consulted with the foster parent prior to signing  
19 the application for an instruction permit;

20 (1.5) (e) (I) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
21 SERVICES HAVING CUSTODY OF A FOSTER CHILD OR WARD OF THE COURT  
22 MAY IMPLEMENT A PROGRAM THAT PROVIDES THE SERVICES AUTHORIZED  
23 UNDER SUBSECTION (1)(b) OF THIS SECTION. THE COUNTY DEPARTMENT  
24 OF HUMAN OR SOCIAL SERVICES MAY:

25 (A) ASSESS THE CHILD'S OR WARD'S MENTAL, EMOTIONAL, AND  
26 PHYSICAL ABILITY TO SAFELY DRIVE A MOTOR VEHICLE AND, BASED ON  
27 THAT ASSESSMENT, APPROVE OR DENY THE PROVISION OF SERVICES UNDER

1 SUBSECTION (1)(b) OF THIS SECTION; AND

2 (B) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS  
3 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
4 SUBSECTION (1.5).

5 (II) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES  
6 SHALL NOT IMPLEMENT A PROGRAM ESTABLISHED PURSUANT TO  
7 SUBSECTION (1.5)(e)(I) OF THIS SECTION UNLESS FULL FUNDING HAS BEEN  
8 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS.

9 (3) (a) ~~In the event this state requires a minor under the age of~~  
10 ~~eighteen years to deposit, or there is deposited upon such minor's behalf,~~  
11 ~~proof of financial responsibility with respect to the operation of a motor~~  
12 ~~vehicle owned by such minor or, if such minor is not the owner of a~~  
13 ~~motor vehicle, with respect to the operating of any motor vehicle, in form~~  
14 ~~and in amounts as required under the motor vehicle financial~~  
15 ~~responsibility laws of this state, then~~ The department may SHALL accept  
16 the application of ~~such~~ A QUALIFIED minor ~~when~~ IF:

17 (I) A MINOR UNDER EIGHTEEN YEARS OF AGE HAS DEPOSITED, OR  
18 THERE IS DEPOSITED ON THE MINOR'S BEHALF, PROOF OF FINANCIAL  
19 RESPONSIBILITY COVERING THE OPERATION OF A MOTOR VEHICLE OWNED  
20 BY THE MINOR OR, IF THE MINOR IS NOT THE OWNER OF A MOTOR VEHICLE,  
21 COVERING THE OPERATION OF ANOTHER MOTOR VEHICLE; AND

22 (II) THE APPLICATION IS accompanied by an affidavit of liability  
23 signed by one parent or the guardian of ~~such~~ THE minor ~~except as~~  
24 ~~otherwise provided in subsection (1) of this section~~ UNLESS, UNDER  
25 SUBSECTION (1) OR (1.5) OF THIS SECTION, THE MINOR NEED NOT HAVE A  
26 RESPONSIBLE ADULT SIGN THE AFFIDAVIT OF LIABILITY.

27 (b) While ~~such~~ proof OF FINANCIAL RESPONSIBILITY is maintained,

1 ~~such~~ THE parent, FOSTER PARENT, or guardian is not subject to the liability  
2 imposed under subsection (2) of this section. Nothing in this section  
3 requires a foster parent to sign an affidavit of liability for a foster child  
4 and nothing in this section precludes a foster parent from obtaining a  
5 named driver's exclusion on the foster parent's insurance policy.

6 **SECTION 3.** In Colorado Revised Statutes, 42-2-104, **amend**  
7 (4)(a) as follows:

8 **42-2-104. Licenses issued - denied.** (4) (a) The department shall  
9 not issue a driver's license, including, without limitation, a temporary  
10 driver's license ~~pursuant to~~ UNDER section 42-2-106 (2), to a person under  
11 eighteen years of age unless the person has:

12 (I) Applied for, been issued, and possessed an appropriate  
13 instruction permit for at least twelve months; AND

14 (II) Submitted a log or other written evidence on a standardized  
15 form approved by the department ~~that is signed by his or her parent or~~  
16 ~~guardian or other responsible adult who signed the affidavit of liability or~~  
17 ~~the instructor of a driver's education course approved by the department,~~  
18 certifying that the person has completed not less than fifty hours of actual  
19 driving experience, of which not less than ten hours shall have been  
20 completed while driving at night, WHICH FORM IS SIGNED BY:

21 (A) THE APPLICANT'S PARENT OR GUARDIAN OR OTHER  
22 RESPONSIBLE ADULT WHO SIGNED THE AFFIDAVIT OF LIABILITY;

23 (B) THE INSTRUCTOR OF A DRIVER'S EDUCATION COURSE  
24 APPROVED BY THE DEPARTMENT; OR

25 (C) ANY INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR  
26 OLDER, WHO HOLDS A VALID DRIVER'S LICENSE, AND WHO INSTRUCTED THE  
27 APPLICANT IF THE APPLICANT IS A FOSTER CHILD WHO HAS PROOF OF

1 FINANCIAL RESPONSIBILITY IN THE APPLICANT'S OWN NAME.

2 **SECTION 4.** In Colorado Revised Statutes, 42-2-106, **add** (1)(h)  
3 as follows:

4 **42-2-106. Instruction permits and temporary licenses.**

5 (1) (h) NOTWITHSTANDING SUBSECTIONS (1)(b) TO (1)(d) OF THIS  
6 SECTION, A FOSTER CHILD WHO HAS PROOF OF FINANCIAL RESPONSIBILITY  
7 IN HIS OR HER OWN NAME TO OBTAIN AN INSTRUCTION PERMIT UNDER  
8 SUBSECTIONS (1)(b) TO (1)(d) OF THIS SECTION MAY DRIVE WITH ANY  
9 PERSON WHO:

10 (I) HOLDS A VALID DRIVER'S LICENSE;

11 (II) IS AT LEAST TWENTY-ONE YEARS OF AGE; AND

12 (III) OCCUPIES THE FRONT PASSENGER SEAT, IN CLOSE PROXIMITY  
13 TO THE FOSTER CHILD, FOR THE PURPOSES OF INSTRUCTION.

14 **SECTION 5.** In Colorado Revised Statutes, 24-30-1104, **amend**  
15 (2) introductory portion, (2)(s), and (2)(t); and **add** (2)(u) as follows:

16 **24-30-1104. Functions of the department - definitions.** (2) In  
17 addition to the county-specific functions set forth in subsection (1) of this  
18 section, the department of personnel shall take such steps as are necessary  
19 to fully implement a central state motor vehicle fleet system. ~~by January~~  
20 ~~1, 1993. The provisions of~~ The motor vehicle fleet system created  
21 pursuant to this subsection (2) ~~apply~~ APPLIES to the executive branch of  
22 the state of Colorado, its departments, its institutions, and its agencies;  
23 except that the governing board of each institution of higher education,  
24 by formal action of the board, and the Colorado commission on higher  
25 education, by formal action of the commission, may elect to be exempt  
26 from ~~the provisions of~~ this subsection (2) and may obtain a motor vehicle  
27 fleet system independent of the state motor vehicle fleet system. Under

1 the direction of the executive director, the department of personnel shall  
2 perform the following functions pertaining to the motor vehicle fleet  
3 system throughout the state:

4 (s) Exercise any other powers or perform any other duties that are  
5 reasonably necessary for the fulfillment of the powers and duties assigned  
6 to the department of personnel pursuant to this part 11; ~~and~~

7 (t) Require that the federal environmental protection agency  
8 mile-per-gallon rating for all motor vehicles purchased for the  
9 state-owned motor vehicle fleet on or after January 1, 2007, meet or  
10 exceed the average fuel efficiency standards as established pursuant to the  
11 federal "Energy Policy and Conservation Act", 15 U.S.C. sec. 2001, et  
12 seq., recodified as 49 U.S.C. sec. 32901 et seq.; AND

13 (u) (I) ESTABLISH A PROGRAM THAT ALLOWS CHILDREN WHO HAVE  
14 BEEN IN A FOSTER HOME FOR AT LEAST ONE YEAR AND ARE IN A FOSTER  
15 HOME AT THE TIME THAT INSURANCE IS PURCHASED TO PURCHASE  
16 INSURANCE THROUGH THE DEPARTMENT OF PERSONNEL THAT POOLS THE  
17 PURCHASED INSURANCE WITH THE STATE FLEET TO OBTAIN LOWER  
18 INSURANCE RATES FOR THE FOSTER CHILDREN.

19 (II) THE DEPARTMENT OF PERSONNEL IS AUTHORIZED TO SEEK,  
20 ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR  
21 PUBLIC SOURCES FOR THE PURPOSES OF THIS SUBSECTION (2)(u). THE  
22 DEPARTMENT OF PERSONNEL SHALL NOT IMPLEMENT A PROGRAM  
23 ESTABLISHED PURSUANT TO THIS SUBSECTION (2)(u) UNLESS FULL  
24 FUNDING HAS BEEN RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS.

25 **SECTION 6. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2020 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.

## Section 43-2-145, C.R.S.

### **43-2-145. Transportation legislation review - committee.**

- (1) (a) The transportation legislation review committee is hereby created in order to give guidance and direction to:
  - (I) The department of transportation in the development of the state transportation system and to provide legislative overview of and input into such development;
  - (II) The department of revenue in the licensing of drivers and registration and titling of motor vehicles; and
  - (III) Any state agency or political subdivision of Colorado that regulates motor vehicles or traffic, including, without limitation, penalties imposed for violating traffic statutes and rules.
- (b) The committee shall meet at least once each year to review transportation, traffic, and motor vehicle legislation and may consult with experts in the fields of traffic regulation, the licensing of drivers, the registration and titling of motor vehicles, and highway construction and planning and may consult with the personnel of the department of transportation or the department of revenue as may be necessary; except that the committee shall not meet during the 2010 interim. All personnel of the department of transportation, department of revenue, or any state agency or political subdivision of Colorado that regulates motor vehicles or traffic shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section. The committee may review any phase of department of transportation operations, including planning and construction of highway projects, prior to and during the completion of such projects.
- (c) The committee may also conduct a postoperation review of such projects to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require the department of transportation to prepare and adopt five-, ten-, and fifteen-year plans for the development of the state transportation system, and the committee shall monitor the progress of such plans. The committee may also require financial or performance audits to be conducted. Upon completion of its review of the transportation laws, the committee shall make recommendations to the governor and to the general assembly for such additional legislation as it deems necessary. The committee shall also develop and make recommendations concerning the financing of the state transportation system. Legislation recommended by the committee shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.
- (d) Prior to January 1, 2016, the committee shall develop and make recommendations concerning the financing of the completion of the strategic transportation projects identified by the department as the "seventh pot projects". No later than February 1, 2016, the committee shall recommend legislation to implement the recommendations, and such legislation shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly; except that the bills shall not be subject to review by or approval of legislative council.

Section 43-2-145, C.R.S., cont.

- (e) Repealed.
- (1.3) (a) (I) For purposes of this subsection (1.3), "agency" means any state, regional, or local agency, authority, department, district, or organization, other than an individual municipality or county, that:
  - (A) Is responsible for researching, planning, developing, or improving transportation systems, mass transit systems, or regional plans that include the provision of mass transit within the jurisdiction of the agency; and
  - (B) Has or may have overlapping or coterminous jurisdiction with another agency.
- (II) The term "agency" includes, without limitation, the department of transportation, the regional transportation district, the Colorado intermountain fixed guideway authority, and the Denver regional council of governments.
- (b) Each agency shall share information and coordinate efforts with other agencies in the research, planning, and development of mass transit systems to avoid the creation of duplicative or conflicting mass transit systems in the state. The committee may review the operations of any agency to ensure compliance with the provisions of this paragraph (b). In connection with the review of the committee, any agency required to share information and coordinate efforts in accordance with this paragraph (b) shall report to the committee no later than August 15, 2001, and each August 15 thereafter through August 15, 2009, and no later than August 15, 2011, and each August 15 thereafter regarding compliance with this paragraph (b).
- (1.5) The committee may review any phase of operations of any public highway authority created pursuant to part 5 of article 4 of this title, including planning and construction of public highway projects, prior to and during the completion of such projects. The committee may also conduct a postoperation review of a project to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require any public highway authority to prepare and adopt long-range plans for the development of the public highways, and the committee shall monitor the progress of such plans. The committee may also require the state auditor to conduct a financial or performance audit of any public highway authority.
- (1.6) and (1.8) Repealed.
- (1.9) The committee may review any phase of operations of any regional transportation authority created pursuant to part 6 of article 4 of this title, including the planning and construction of regional transportation systems, prior to and during the completion of such systems. The committee may also conduct a postoperation review of any system to determine whether the system was completed in the most cost-effective and efficient manner. The committee may require any regional transportation authority to prepare and adopt long-range plans for the development of regional transportation systems, and the committee shall monitor the progress of the plans. The committee may also require financial or performance audits to be conducted.
- (2) Repealed.
- (2.5) (a) Effective January 1, 2001, the committee shall be comprised of the members of the transportation and energy committee of reference of the house of representatives

**Section 43-2-145, C.R.S., cont.**

and the members of the transportation committee of reference of the senate. The chairman of the senate transportation committee shall be the chairman in even-numbered years and vice-chairman in odd-numbered years. The chairman of the house transportation and energy committee shall be chairman in odd-numbered years and vice-chairman in even-numbered years.

- (b) The members of the respective committees of reference shall receive the usual per diem and necessary travel and subsistence expenses as provided for members of the general assembly who attend interim committee meetings pursuant to section 2-2-307, C.R.S.

(3) and (4) Repealed.

- (5) The legislative council staff shall be made available to assist the committee in carrying out its duties pursuant to this section.

(6) to (8) Repealed.

- (9) In the 2015 interim between the first regular session of the seventieth general assembly and the second regular session of the seventieth general assembly, the committee shall examine:

- (a) The statutory and regulatory requirements for entry into the market for taxicab service; and
- (b) Regulations governing the provision of taxicab service.

**History**

**Source:** L. 53: p. 531, § 45.CRS 53: § 120-13-45. C.R.S. 1963: § 120-13-45. L. 86: Entire section amended, p. 427, § 68, effective March 26; entire section R&RE, p. 1133, § 10, effective July 1. L. 87: (1.5) added, p. 1856, § 3, effective August 27. L. 88: (1.6) added, p. 1387, § 13, effective July 1. L. 89, 1st Ex. Sess.: (1.8) added, p. 62, § 17, effective August 1. L. 90: (1) amended and (6) repealed, pp. 1826, 1827, § 1, 2, effective March 13. L. 91: (1) amended, p. 1107, § 151, effective July 1. L. 94: (1) amended, p. 621, § 1, effective April 14; (7) added, p. 1388, § 4, effective May 25. L. 97: (1.9) added, p. 499, § 4, effective August 6. L. 2000: (2), (3), and (4) amended and (2.5) added, p. 116, § 4, effective March 15. L. 2001: (1.3) added, p. 298, § 1, effective August 8. L. 2005: (1.6) and (1.8) repealed, p. 291, § 47, effective August 8; (1.9) amended, p. 1069, § 18, effective January 1, 2006. L. 2007: (1.3)(b) amended, p. 2050, § 104, effective June 1; (1) amended, p. 341, § 1, effective August 3. L. 2009: (1)(d) added, (SB 09-228), ch. 410, p. 2264, § 15, effective July 1; (8) added, (HB 09-1230), ch. 232, p. 1067, § 3, effective August 5. L. 2010: (1)(b) and (1.3)(b) amended, (SB 10-213), ch. 375, p. 1765, § 14, effective June 7. L. 2011: (1.5) amended, (HB 11-1118), ch. 84, p. 228, § 2, effective March 31. L. 2015: (1)(e) added, (HB 15-1173), ch. 189, p. 626, § 1, effective May 13; (9) added, (HB 15-1316), ch. 339, p. 1377, § 2, effective August 5.