

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

INTRODUCED

LLS NO. 19-0186.01 Jery Payne x2157

HOUSE BILL 19-1023

HOUSE SPONSORSHIP

Saine and Jackson, McLachlan, Roberts

SENATE SPONSORSHIP

Marble and Todd, Zenzinger

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

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

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

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.

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.

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.