

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

PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 19-0186.01 Jery Payne x2157

HOUSE BILL 19-1023

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Marble and Todd, Zenzinger

House Committees

Transportation & Local Government

Senate Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ISSUANCE OF DRIVING AUTHORIZATION DOCUMENTS TO**
102 **FOSTER CHILDREN WHO ARE UNDER EIGHTEEN YEARS OF AGE,**
103 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
3rd Reading Unamended
March 11, 2019

HOUSE
Amended 2nd Reading
March 7, 2019

guardian sign an affidavit of liability if the child holds evidence of 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

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

9 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend**
10 (1)(a), (1)(b) introductory portion, (1)(b)(I), (1)(b)(II), and (3); **repeal**
11 (1)(b)(III) and (1)(b)(IV); and **add** (1.5)(e) as follows:

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

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

22 (B) ~~PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE, AS~~
23 ~~DEFINED IN SECTION 42-7-103 (14),~~ HELD IN THE NAME OF THE MINOR IF
24 THE MINOR IS A FOSTER CHILD.

25 (II) When an applicant has been made a ward of any court in the
26 state for any reason and has been placed in ~~a foster home~~ FOSTER CARE,
27 the foster parents or parent may sign the affidavit of liability for the

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

25 (III) When a minor to whom an instruction permit or minor
26 driver's license has been issued is required to appear before the
27 department for a hearing ~~pursuant to any provision of~~ IN ACCORDANCE

1 WITH this article 2, the ~~minor must be accompanied by the person who~~
2 signed the affidavit of liability for the minor or ~~by the guardian ad litem~~
3 or ~~designated~~ official who signed the application for an instruction permit
4 for the minor SHALL ACCOMPANY THE MINOR. If the person who signed
5 the minor's affidavit of liability or application for an instruction permit is
6 unable to attend the hearing, he or she shall submit to the department a
7 verified signed statement certifying under oath that he or she is aware of
8 the purpose of the hearing but cannot attend.

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

15 (I) The guardian ad litem, ~~a designated~~ AN official of the county
16 department of human or social services having custody of the applicant,
17 or ~~a designated~~ AN official of the division of youth services in the state
18 department of human services having custody of the applicant signs the
19 application for an instruction permit; AND

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

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

1 ~~(III) The applicant is enrolled in or will be enrolled in a~~
2 ~~commercial driving course that insures the motor vehicles in which the~~
3 ~~applicant will be driving as a student for property damage and personal~~
4 ~~injury; and~~

5 ~~(IV) The commercial driving course maintains possession of the~~
6 ~~applicant's instruction permit at all times.~~

7 (1.5) (e) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL
8 SERVICES HAVING CUSTODY OF A FOSTER CHILD OR WARD OF THE COURT
9 MAY IMPLEMENT A PROGRAM THAT PROVIDES THE SERVICES AUTHORIZED
10 UNDER SUBSECTION (1)(b) OF THIS SECTION. THE COUNTY DEPARTMENT
11 OF HUMAN OR SOCIAL SERVICES MAY:

12 (I) ASSESS THE CHILD'S OR WARD'S MENTAL, EMOTIONAL, AND
13 PHYSICAL ABILITY TO SAFELY DRIVE A MOTOR VEHICLE AND, BASED ON
14 THAT ASSESSMENT, APPROVE OR DENY THE PROVISION OF SERVICES UNDER
15 SUBSECTION (1)(b) OF THIS SECTION; AND

16 (II) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
17 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
18 SUBSECTION (1.5).

19
20 ~~(3) (a) In the event this state requires a minor under the age of~~
21 ~~eighteen years to deposit, or there is deposited upon such minor's behalf,~~
22 ~~proof of financial responsibility with respect to the operation of a motor~~
23 ~~vehicle owned by such minor or, if such minor is not the owner of a~~
24 ~~motor vehicle, with respect to the operating of any motor vehicle, in form~~
25 ~~and in amounts as required under the motor vehicle financial~~
26 ~~responsibility laws of this state, then The department may SHALL accept~~
27 ~~the application of such A QUALIFIED minor when IF:~~

1 (I) A MINOR UNDER EIGHTEEN YEARS OF AGE HAS DEPOSITED, OR
2 THERE IS DEPOSITED ON THE MINOR'S BEHALF, PROOF OF FINANCIAL
3 RESPONSIBILITY COVERING THE OPERATION OF A MOTOR VEHICLE OWNED
4 BY THE MINOR OR, IF THE MINOR IS NOT THE OWNER OF A MOTOR VEHICLE,
5 COVERING THE OPERATION OF ANOTHER MOTOR VEHICLE; AND

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

11 (b) While ~~such~~ proof OF FINANCIAL RESPONSIBILITY is maintained,
12 ~~such~~ THE parent, FOSTER PARENT, or guardian is not subject to the liability
13 imposed under subsection (2) of this section. Nothing in this section
14 requires a foster parent to sign an affidavit of liability for a foster child
15 and nothing in this section precludes a foster parent from obtaining a
16 named driver's exclusion on the foster parent's insurance policy.

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

19 **42-2-104. Licenses issued - denied.** (4) (a) The department shall
20 not issue a driver's license, including, without limitation, a temporary
21 driver's license ~~pursuant to~~ UNDER section 42-2-106 (2), to a person under
22 eighteen years of age unless the person has:

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

25 (II) Submitted a log or other written evidence on a standardized
26 form approved by the department ~~that is signed by his or her parent or~~
27 ~~guardian or other responsible adult who signed the affidavit of liability or~~

1 ~~the instructor of a driver's education course approved by the department,~~
2 certifying that the person has completed not less than fifty hours of actual
3 driving experience, of which not less than ten hours shall have been
4 completed while driving at night, WHICH FORM IS SIGNED BY:

5 (A) THE PERSON WHO SIGNED THE AFFIDAVIT OF LIABILITY;

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

8 (C) ANY INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR
9 OLDER, WHO HOLDS A VALID DRIVER'S LICENSE, AND WHO INSTRUCTED THE
10 APPLICANT IF THE APPLICANT IS A FOSTER CHILD. ■

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

13 **42-2-106. Instruction permits and temporary licenses.**

14 (1) (h) NOTWITHSTANDING SUBSECTIONS (1)(b) TO (1)(d) OF THIS
15 SECTION, A FOSTER CHILD TO OBTAIN AN INSTRUCTION PERMIT UNDER
16 SUBSECTIONS (1)(b) TO (1)(d) OF THIS SECTION MAY DRIVE WITH ANY
17 PERSON WHO:

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

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

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

22 **SECTION 5.** In Colorado Revised Statutes, 43-2-145, **add** (10)
23 as follows:

24 **43-2-145. Transportation legislation review - committee -**
25 **repeal.** (10) (a) IN THE 2019 INTERIM BETWEEN THE FIRST REGULAR
26 SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND THE SECOND
27 REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY, THE

1 COMMITTEE SHALL EXAMINE BARRIERS TO FOSTER CHILDREN MEETING THE
2 FIFTY-HOUR DRIVING REQUIREMENT WHILE HOLDING AN INSTRUCTION
3 PERMIT AND TO FOSTER CHILDREN OBTAINING AUTOMOBILE LIABILITY
4 INSURANCE. THE COMMITTEE MAY APPOINT A NUMBER OF ITS MEMBERS TO
5 STUDY THE ISSUE AND MAKE RECOMMENDATIONS TO THE WHOLE
6 COMMITTEE. THE COMMITTEE SHALL CONSULT WITH COUNTIES, SUBJECT
7 MATTER EXPERTS, INTERESTED PERSONS, AND THE OFFICE OF THE CHILD'S
8 REPRESENTATIVE. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL
9 COOPERATE AND CONSULT WITH THE COMMITTEE.

10 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2020.

11

12 **SECTION 6. Appropriation.** For the 2019-20 state fiscal year,
13 \$6,750 is appropriated to the department of revenue for use by the
14 division of motor vehicles. This appropriation is from the Colorado
15 DRIVES vehicle services account in the highway users tax fund created
16 in section 42-1-211 (2)(b)(I), C.R.S. To implement this act, the division
17 may use this appropriation for DRIVES maintenance and support.

18 **SECTION 7. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.