

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

INTRODUCED

LLS NO. 20-0346.01 Richard Sweetman x4333

HOUSE BILL 20-1071

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A BILL FOR AN ACT

101 **CONCERNING THE ACQUISITION OF DRIVERS' LICENSES BY CERTAIN**
102 **PERSONS IN THE CUSTODY OF THE STATE DEPARTMENT OF**
103 **HUMAN SERVICES.**

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 creates the foster children's driver education grant program (program) in the state department of human services (state department) to reimburse county departments of human or social services (county departments) for costs paid to private driving schools for providing driving instruction to

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.

persons in the custody of the county department who are at least 15 years and less than 18 years of age. The state department shall administer the program and award grants to county departments.

On or before December 1, 2020, the state board of human services (state board) shall promulgate rules for the administration of the program. On or before November 1, 2021, and on or before January 1 each year thereafter, each county department that receives a grant through the program shall submit a report to the state department. At a minimum, the report must include the information required by rules promulgated by the state board. On or before January 1, 2021, and on or before January 1 each year thereafter for the duration of the program, the state department shall submit a summarized report to the appropriate reference committees of the general assembly. At a minimum, the report must include the information submitted to the state department by county departments.

The program is repealed, effective September 1, 2030. Before the repeal, the program is scheduled for a sunset review by the department of regulatory agencies.

The bill states that the program does not create any liability on behalf of a county department for contracting with a private driving school to provide driving instruction or for an injury alleged to have occurred while a person in the custody of the state department receives driving instruction from a private driving school, the cost of which instruction may be reimbursed to the county department from the program.

The bill states that a certified court order is sufficient to establish the legal name, identity, date of birth, lawful presence in the United States, or Colorado residency of a person who is in the custody of the state department, is at least 15 years and less than 18 years of age, and is applying for a driver's license.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 25 to title
3 26 as follows:

4 **ARTICLE 25**

5 **Driver Education for Foster Children**

6 **26-25-101. Foster children's driver education grant program**
7 **- rules - report.** (1) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT
8 PROGRAM, REFERRED TO IN THIS ARTICLE 25 AS THE "PROGRAM", IS

1 HEREBY CREATED IN THE STATE DEPARTMENT TO REIMBURSE COUNTY
2 DEPARTMENTS FOR COSTS PAID TO PRIVATE DRIVING SCHOOLS THAT
3 PROVIDE DRIVING INSTRUCTION TO PERSONS IN THE CUSTODY OF THE
4 STATE DEPARTMENT WHO ARE AT LEAST FIFTEEN YEARS AND LESS THAN
5 EIGHTEEN YEARS OF AGE. COUNTY DEPARTMENTS THAT RECEIVE GRANT
6 MONEY FROM THE PROGRAM SHALL USE THE GRANT MONEY ONLY FOR THE
7 PURPOSE SPECIFIED IN THIS SUBSECTION (1).

8 (2) THE STATE DEPARTMENT SHALL ADMINISTER THE PROGRAM
9 AND AWARD GRANTS AS PROVIDED IN THIS SECTION AND BY RULES
10 ADOPTED PURSUANT TO THIS SECTION.

11 (3) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS,
12 GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
13 PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY
14 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
15 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
16 LAW OF THE STATE.

17 (4)(a) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY TO THE
18 STATE DEPARTMENT FOR USE IN IMPLEMENTING AND ADMINISTERING THE
19 PROGRAM.

20 (b) THE STATE DEPARTMENT MAY USE UP TO THREE PERCENT OF
21 ANY MONEY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND
22 INDIRECT COSTS THAT THE STATE DEPARTMENT INCURS TO ADMINISTER
23 THE PROGRAM.

24 (5) ON OR BEFORE DECEMBER 1, 2020, THE STATE BOARD SHALL
25 PROMULGATE RULES FOR THE ADMINISTRATION OF THE PROGRAM. AT A
26 MINIMUM, THE RULES MUST SPECIFY:

27 (a) THE TIME FRAME FOR APPLYING FOR GRANTS;

- 1 (b) THE FORM OF THE PROGRAM APPLICATION;
- 2 (c) THE TIME FRAME FOR DISTRIBUTING GRANT MONEY; AND
- 3 (d) THE MINIMUM INFORMATION TO BE INCLUDED IN THE REPORTS
- 4 DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

5 (6) (a) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE
6 NOVEMBER 1 EACH YEAR THEREAFTER, EACH COUNTY DEPARTMENT THAT
7 RECEIVED A GRANT IN THE PRECEDING TWELVE MONTHS THROUGH THE
8 PROGRAM SHALL SUBMIT A REPORT TO THE STATE DEPARTMENT. AT A
9 MINIMUM, THE REPORT MUST INCLUDE THE INFORMATION REQUIRED BY
10 RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (5)
11 OF THIS SECTION.

12 (b) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY
13 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE PROGRAM, THE
14 STATE DEPARTMENT SHALL SUBMIT A SUMMARY REPORT TO THE PUBLIC
15 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
16 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
17 THE SENATE, OR THEIR SUCCESSOR COMMITTEES. AT A MINIMUM, THE
18 REPORT MUST INCLUDE THE INFORMATION SUBMITTED TO THE STATE
19 DEPARTMENT BY COUNTY DEPARTMENTS PURSUANT TO SUBSECTION (6)(a)
20 OF THIS SECTION.

21 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
22 REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (6) CONTINUE
23 INDEFINITELY.

24 **26-25-102. No liability created.** (1) NOTHING IN THIS ARTICLE 25
25 PLACES ANY LIABILITY ON A COUNTY DEPARTMENT FOR:

- 26 (a) CONTRACTING WITH A PRIVATE DRIVING SCHOOL TO PROVIDE
- 27 DRIVING INSTRUCTION TO A PERSON WHO IS IN THE CUSTODY OF THE

1 COUNTY DEPARTMENT AND WHO IS FIFTEEN YEARS OF AGE OR OLDER BUT
2 UNDER EIGHTEEN YEARS OF AGE; OR

3 (b) AN INJURY ALLEGED TO HAVE OCCURRED WHILE A PERSON IN
4 THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVES DRIVING
5 INSTRUCTION FROM A PRIVATE DRIVING SCHOOL, THE COST OF WHICH
6 INSTRUCTION MAY BE REIMBURSED TO THE COUNTY DEPARTMENT
7 PURSUANT TO THE PROGRAM.

8 (2) NOTHING IN THIS ARTICLE 25 WAIVES OR LIMITS A COUNTY
9 DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10
10 OF TITLE 24.

11 **26-25-103. Repeal of article - sunset review.** THIS ARTICLE 25
12 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2030. BEFORE THE REPEAL, THE
13 PROGRAM IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
14 24-34-104.

15 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
16 (31)(a)(V) as follows:

17 **24-34-104. General assembly review of regulatory agencies**
18 **and functions for repeal, continuation, or reestablishment - legislative**
19 **declaration - repeal.** (31) (a) The following agencies, functions, or both,
20 are scheduled for repeal on September 1, 2030:

21 (V) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT PROGRAM
22 CREATED IN ARTICLE 25 OF TITLE 26.

23 **SECTION 3.** In Colorado Revised Statutes, 42-2-108, **amend** (2);
24 and **add** (5) as follows:

25 **42-2-108. Application of minors.** (2) (a) Any negligence or
26 willful misconduct of a minor under the age of eighteen years OF AGE who
27 drives a motor vehicle upon a highway is imputed to the person who

1 signed the affidavit of liability ~~which~~ THAT accompanied the MINOR'S
2 application ~~of such minor~~ for a permit or license. ~~Such~~ THE person is
3 jointly and severally liable with ~~such~~ THE minor for any damages caused
4 by ~~such~~ THE MINOR'S negligence or willful misconduct, except as
5 otherwise provided in subsection (3) of this section.

6 (b) A GUARDIAN AD LITEM, AN OFFICIAL OF A COUNTY
7 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR AN OFFICIAL OF THE
8 DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN
9 SERVICES WHO SIGNS A MINOR'S APPLICATION FOR A PERMIT OR LICENSE
10 BUT DOES NOT SIGN AN AFFIDAVIT OF LIABILITY DOES NOT IMPUTE
11 LIABILITY ON THEMSELVES, ON THE COUNTY, OR ON THE STATE FOR ANY
12 DAMAGES CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE
13 APPLICANT.

14 (c) NOTHING IN THIS SECTION WAIVES OR LIMITS A COUNTY
15 DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10
16 OF TITLE 24.

17 (5) A CERTIFIED COURT ORDER IS SUFFICIENT TO ESTABLISH THE
18 LEGAL NAME, IDENTITY, DATE OF BIRTH, LAWFUL PRESENCE IN THE UNITED
19 STATES, AND COLORADO RESIDENCY OF A PERSON WHO IS IN THE CUSTODY
20 OF THE DEPARTMENT OF HUMAN SERVICES, IS FIFTEEN YEARS OF AGE OR
21 OLDER BUT UNDER EIGHTEEN YEARS OF AGE, AND IS APPLYING FOR A
22 DRIVER'S LICENSE.

23 **SECTION 4. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
27 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.