

## CHAPTER 239

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**HOUSE BILL 19-1023**

BY REPRESENTATIVE(S) Saine and Jackson, McLachlan, Roberts, Beckman, Bird, Buck, Buckner, Buentello, Caraveo, Carver, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Geitner, Gray, Hansen, Herod, Hooton, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Liston, Lontine, Melton, Michaelson Jenet, Mullica, Neville, Ransom, Rich, Sandridge, Singer, Sirota, Snyder, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Becker, Arndt, Bockenfeld, Lewis, Wilson;  
also SENATOR(S) Marble and Todd, Zenzinger, Bridges, Court, Crowder, Donovan, Gardner, Ginal, Lee, Moreno, Pettersen, Priola, Rodriguez, Scott, Smallwood, Tate, Williams A., Winter, Woodward, Garcia.

**AN ACT**

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

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

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

**10-4-104. Competency of minor to contract for insurance - nonavoidance.**

Any minor ~~of the age of~~ sixteen years OF AGE or ~~over~~ OLDER may, notwithstanding his OR HER minority, contract for insurance, INCLUDING MOTOR VEHICLE INSURANCE, upon his OR HER own property or liabilities. ~~Such a~~ THE minor ~~shall, notwithstanding such minority, be deemed~~ IS HEREBY DETERMINED TO BE competent to exercise all rights and powers with respect to or under any such contract as might be exercised by a person of full legal age and may at any time surrender his THE MINOR'S interest in ~~any such contracts~~ THE CONTRACT and give valid discharge for any benefits accruing or money payable thereunder. ~~Such a minor shall not, by reason of his minority, be~~ HAVING ENTERED INTO A CONTRACT FOR INSURANCE, THE MINOR IS NOT entitled to rescind, avoid, or repudiate the contract nor to rescind, avoid, or repudiate any exercise of a right or privilege ~~thereunder~~ UNDER THE CONTRACT BY REASON OF MINORITY.

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

(II) When an applicant has been made a ward of any court in the state for any reason and has been placed in a ~~foster home~~ FOSTER CARE, the foster parents or parent may sign the affidavit of liability for the minor. If the parent or foster parent is unwilling or unable to sign the affidavit of liability, a guardian ad litem, a ~~designated~~ AN official of the county department of human or social services having custody of the applicant, or a ~~designated~~ AN official of the division of youth services in the state department of human services having custody of the applicant may sign the application for an instruction permit without signing the affidavit of liability for the minor if the requirements of subsection (1)(b) of this section are met; except that, prior to signing the application for an instruction permit, the guardian ad litem or other ~~designated~~ official shall notify the court of his or her intent to sign the application, and except that, the guardian ad litem or ~~designated~~ official shall not sign the application for an instruction permit for a minor who is placed in a foster care ~~home~~ and is under seventeen ~~and one-half~~ years of age without first obtaining the consent of the foster parent. If the minor is seventeen ~~and one-half~~ years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem or ~~designated~~ official shall consult with the foster parent of the minor about the opportunity for the minor to learn driving skills under the restrictions provided in subsection (1)(b) of this section prior to signing an application for an instruction permit. The guardian ad litem or ~~designated~~ official shall solicit the opinion of the minor's foster parent concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive.

(III) When a minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing ~~pursuant to any provision of~~ IN ACCORDANCE WITH this article 2, the ~~minor must be accompanied by the person who signed the affidavit of liability for the minor or by the guardian ad litem or designated official who signed the application for an instruction permit for the minor~~ SHALL ACCOMPANY THE MINOR. If the person who signed the minor's affidavit of liability or application for an instruction permit is unable to attend the hearing, he or she shall submit to the department a verified signed statement certifying under oath that he or she is aware of the purpose of the hearing but cannot attend.

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

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

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

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

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

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

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

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

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

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

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

MOTOR VEHICLE; AND

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

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

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

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

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

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

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

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

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

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

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

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

(I) HOLDS A VALID DRIVER'S LICENSE;

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

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

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

**43-2-145. Transportation legislation review - committee - repeal.** (10) (a) IN THE 2019 INTERIM BETWEEN THE FIRST REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND THE SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY, THE COMMITTEE SHALL EXAMINE BARRIERS TO FOSTER CHILDREN MEETING THE FIFTY-HOUR DRIVING REQUIREMENT WHILE HOLDING AN INSTRUCTION PERMIT AND TO FOSTER CHILDREN OBTAINING AUTOMOBILE LIABILITY INSURANCE. THE COMMITTEE MAY APPOINT A NUMBER OF ITS MEMBERS TO STUDY THE ISSUE AND MAKE RECOMMENDATIONS TO THE WHOLE COMMITTEE. THE COMMITTEE SHALL CONSULT WITH COUNTIES, SUBJECT MATTER EXPERTS, INTERESTED PERSONS, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL COOPERATE AND CONSULT WITH THE COMMITTEE.

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

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

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

Approved: May 20, 2019