

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

PREAMENDED

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

LLS NO. 20-0346.01 Richard Sweetman x4333

HOUSE BILL 20-1071

HOUSE SPONSORSHIP

Duran and Exum, Carver, Catlin, Froelich, Gray, Hooton, Humphrey, Valdez A., Valdez D.

SENATE SPONSORSHIP

Donovan and Hisey, Foote, Moreno, Pettersen, Priola, Scott

House Committees

Transportation & Local Government
Appropriations

Senate Committees

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 26-5-115** as
3 follows:

4 **26-5-115. Acquisition of drivers' licenses by persons in foster**
5 **care - immunity from liability - rules. (1) ON AND AFTER THE**
6 **EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ANY OTHER**
7 **REIMBURSEMENT FOR CHILD WELFARE SERVICES DESCRIBED IN THIS**
8 **ARTICLE 5, THE STATE DEPARTMENT SHALL REIMBURSE A COUNTY**

1 DEPARTMENT FOR COSTS PAID BY THE COUNTY DEPARTMENT TO A PUBLIC
2 OR PRIVATE DRIVING SCHOOL FOR THE PROVISION OF DRIVING
3 INSTRUCTION TO A PERSON IN THE CUSTODY OF THE COUNTY DEPARTMENT
4 WHO IS FIFTEEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-ONE YEARS
5 OF AGE.

6 (2) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS,
7 GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
8 PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY
9 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
10 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
11 LAW OF THE STATE.

12 (3) (a) NOTHING IN THIS SECTION PLACES ANY LIABILITY ON A
13 COUNTY DEPARTMENT FOR:

14 (I) CONTRACTING WITH A PUBLIC OR PRIVATE DRIVING SCHOOL TO
15 PROVIDE DRIVING INSTRUCTION TO A PERSON WHO IS IN THE CUSTODY OF
16 THE COUNTY DEPARTMENT; OR

17 (II) AN INJURY ALLEGED TO HAVE OCCURRED WHILE A PERSON IN
18 THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVES DRIVING
19 INSTRUCTION FROM A PUBLIC OR PRIVATE DRIVING SCHOOL.

20 (b) NOTHING IN THIS SECTION WAIVES OR LIMITS A COUNTY
21 DEPARTMENT'S GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10
22 OF TITLE 24.

23 (4) ON OR BEFORE DECEMBER 1, 2020, THE STATE BOARD SHALL
24 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION.

25 [REDACTED]

26 [REDACTED]

27 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend** (2);

1 and **add** (5) and (6) as follows:

2 **42-2-108. Application of minors - rules.** (2) (a) Any negligence
3 or willful misconduct of a minor under ~~the age of~~ eighteen years OF AGE
4 who drives a motor vehicle upon a highway is imputed to the person who
5 signed the affidavit of liability ~~which~~ THAT accompanied the MINOR'S
6 application ~~of such minor~~ for a permit or license. ~~Such~~ THE person is
7 jointly and severally liable with ~~such~~ THE minor for any damages caused
8 by ~~such~~ THE MINOR'S negligence or willful misconduct, except as
9 otherwise provided in subsection (3) of this section.

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

18 (c) NOTHING IN THIS SECTION WAIVES OR LIMITS ~~THE~~
19 ~~GOVERNMENTAL IMMUNITY OF A COUNTY DEPARTMENT OF HUMAN OR~~
20 ~~SOCIAL SERVICES,~~ AS DESCRIBED IN ARTICLE 10 OF TITLE 24.

21 (5) A PERSON WHO IS IN THE CUSTODY OF THE STATE DEPARTMENT
22 OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
23 SERVICES WHO DOES NOT POSSESS ALL OF THE REQUIRED DOCUMENTS TO
24 APPLY FOR AN INSTRUCTION PERMIT OR A DRIVER'S LICENSE PURSUANT TO
25 THIS SECTION MAY BE ELIGIBLE FOR EXCEPTION PROCESSING PURSUANT TO
26 RULES OF THE DEPARTMENT OF REVENUE.

27 (6) ON OR BEFORE NOVEMBER 1, 2020, THE DEPARTMENT OF

1 REVENUE SHALL PROMULGATE RULES ESTABLISHING, TO THE EXTENT
2 PERMISSIBLE UNDER FEDERAL LAW, FORMS OF DOCUMENTATION THAT ARE
3 ACCEPTABLE FOR THE PURPOSE OF ALLOWING PERSONS WHO ARE IN THE
4 CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY
5 DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO VERIFY THEIR LEGAL
6 RESIDENCE IN THE UNITED STATES, ESTABLISH IDENTITY, AND SATISFY
7 ANY OTHER PREREQUISITES FOR THE ACQUISITION OF AN INSTRUCTION
8 PERMIT OR DRIVER'S LICENSE.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.