

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

PREAMENDED

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

LLS NO. 21-0354.01 Richard Sweetman x4333

HOUSE BILL 21-1084

HOUSE SPONSORSHIP

Exum and Van Winkle,

SENATE SPONSORSHIP

Hisey,

House Committees

Transportation & Local Government
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF CERTAIN INDIVIDUALS IN THE CUSTODY**
102 **OF THE STATE DEPARTMENT OF HUMAN SERVICES TO ACQUIRE**
103 **LEGAL AUTHORITY TO DRIVE, AND, IN CONNECTION THEREWITH,**
104 **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>.)

The bill requires the state department of human services (state department) to reimburse a county or district department of human or social services (county department) for costs paid by the county

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.

department to a public or private driving school for the provision of driving instruction to an individual in the custody of the county department who is 15 to 20 years of age.

The bill states that it does not waive or limit a county department's governmental immunity or place any liability on a county department for:

- Contracting with a driving school to provide driving instruction to an individual who is in the custody of the county department; or
- An injury alleged to have occurred while an individual in the custody of the county department received driving instruction.

The bill requires the state board of human services to promulgate rules on or before December 1, 2021, to administer the new requirements.

The bill states that:

- A guardian ad litem, an official of a county department, or an official of the division of youth services in the state department who signs a minor's application for an instruction permit or a minor driver's license but does not sign an affidavit of liability does not impute liability on themselves, on the county, or on the state for any damages caused by the negligence or willful misconduct of the applicant; and
- An individual who is in the custody of the state department or a county department who does not possess all of the required documents to apply for an instruction permit or a minor driver's license may be eligible for exception processing pursuant to rules of the department of revenue.

The bill requires the executive director of the department of revenue to promulgate rules on or before November 1, 2021, establishing, to the extent permissible under federal law, forms of documentation that are acceptable for the purpose of allowing individuals who are in the custody of the state department or a county department to verify their legal residence in the United States, establish identity, and satisfy any other prerequisites for the acquisition of an instruction permit or a minor 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 individuals in**
5 **foster care - immunity from liability - rules.** (1) ON AND AFTER THE

1 EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ANY OTHER
2 REIMBURSEMENT FOR CHILD WELFARE SERVICES DESCRIBED IN THIS
3 ARTICLE 5, THE STATE DEPARTMENT SHALL REIMBURSE A COUNTY
4 DEPARTMENT FOR COSTS PAID BY THE COUNTY DEPARTMENT TO A PUBLIC
5 OR PRIVATE DRIVING SCHOOL FOR THE PROVISION OF DRIVING
6 INSTRUCTION TO AN INDIVIDUAL IN THE CUSTODY OF THE COUNTY
7 DEPARTMENT WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER
8 TWENTY-ONE YEARS OF AGE.

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

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

17 (I) CONTRACTING WITH A PUBLIC OR PRIVATE DRIVING SCHOOL TO
18 PROVIDE DRIVING INSTRUCTION TO AN INDIVIDUAL WHO IS IN THE
19 CUSTODY OF THE COUNTY DEPARTMENT; OR

20 (II) AN INJURY ALLEGED TO HAVE OCCURRED WHILE AN
21 INDIVIDUAL IN THE CUSTODY OF THE COUNTY DEPARTMENT RECEIVED
22 DRIVING INSTRUCTION FROM A PUBLIC OR PRIVATE DRIVING SCHOOL.

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

26 (4) ON OR BEFORE DECEMBER 1, 2021, THE STATE BOARD SHALL
27 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION.

1 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend** (2);
2 and **add** (5) and (6) as follows:

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

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

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

23 (5) AN INDIVIDUAL WHO IS IN THE CUSTODY OF THE STATE
24 DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT
25 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WHO DOES NOT POSSESS ALL
26 OF THE REQUIRED DOCUMENTS TO APPLY FOR AN INSTRUCTION PERMIT OR
27 A MINOR DRIVER'S LICENSE PURSUANT TO THIS SECTION MAY BE ELIGIBLE

1 FOR EXCEPTION PROCESSING PURSUANT TO RULES OF THE EXECUTIVE
2 DIRECTOR OF THE DEPARTMENT OF REVENUE.

3 (6) ON OR BEFORE NOVEMBER 1, 2021, THE EXECUTIVE DIRECTOR
4 OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES
5 ESTABLISHING, TO THE EXTENT PERMISSIBLE UNDER FEDERAL LAW, FORMS
6 OF DOCUMENTATION THAT ARE ACCEPTABLE FOR THE PURPOSE OF
7 ALLOWING INDIVIDUALS WHO ARE IN THE CUSTODY OF THE STATE
8 DEPARTMENT OF HUMAN SERVICES OR A COUNTY OR DISTRICT
9 DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO VERIFY THEIR LEGAL
10 RESIDENCE IN THE UNITED STATES, ESTABLISH IDENTITY, AND SATISFY
11 ANY OTHER PREREQUISITES FOR THE ACQUISITION OF AN INSTRUCTION
12 PERMIT OR A MINOR DRIVER'S LICENSE.

13 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
14 \$54,180 is appropriated to the department of human services for use by
15 the division of child welfare. This appropriation is from the general fund.
16 To implement this act, the division may use this appropriation for child
17 welfare services.

18 **SECTION 4. 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; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2022 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.