

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

PREAMENDED

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

LLS NO. 23-0110.01 Jery Payne x2157

SENATE BILL 23-011

SENATE SPONSORSHIP

Winter F., Sullivan

HOUSE SPONSORSHIP

Boesenecker and Lindsay, Valdez

Senate Committees

Transportation & Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PROCESSES ASSOCIATED WITH THE**
102 **LICENSING OF A MINOR TO DRIVE A MOTOR VEHICLE ON A**
103 **ROADWAY.**

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. For 10 income tax years, **section 1** of the bill creates a refundable income tax credit for purchasing driver education and training for a minor. The amount of the credit is the amount spent on driver education and training, but cannot exceed \$1,000 per student. To claim a credit, an individual must provide

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

the department of revenue (department) with a receipt for the amount paid if the department requests the receipt.

Currently, a minor who is under 18 years of age may be issued a driver's license or temporary driver's license if the minor has held an instruction permit for 12 months and has completed 50 hours of supervised driving, including 10 hours of night driving. **Section 2** adds the requirements that the applicant must:

- Complete a 30-hour driver education course, which may include an online course, approved by the department; and
- Receive at least 6 hours of behind-the-wheel driving training with a driving instructor or, for minors who live in rural areas of the state, 12 hours of behind-the-wheel training with a parent, a legal guardian, or an alternate permit supervisor.

Additionally, **section 2** eliminates the current instructional requirements for minors under 16 and one-half years of age to hold an instruction permit for 12 months, complete 50 hours of supervised driving, including 10 hours of night driving, and receive 6 hours of behind-the-wheel driving training with a driving instructor or, if the minor lives more than 30 miles from a business offering driving instruction, at least 12 hours of training from a parent, legal guardian, or responsible adult to be eligible for issuance of a driver's license.

Section 2 also adds a requirement that a minor who is 18 years of age or older and under 21 years of age must successfully complete a 4-hour prequalification driver awareness program approved by the department to be issued a driver's license or temporary driver's license.

Current law authorizes the department to issue an instruction permit to a minor if the minor meets one of the following conditions:

- A minor who is 16 years of age or older need not complete a driver education course;
- A minor who is at least 15 and one-half years of age but under 16 years of age must have completed a driver education course or a 4-hour driver awareness course; or
- A minor who is 15 years of age or older but under 15 and one-half years of age must have completed a driver education course.

Sections 2 and 3 eliminate the tiered system and require all minors who are under 18 years of age to complete a 30-hour driver education course and minors who are 18 years of age or older but under 21 years of age to complete a 4-hour driver awareness course.

Section 5 prohibits a person who has been convicted of certain violent or sexual crimes from providing behind-the-wheel driving instruction to minors. A commercial driving school is prohibited from employing such a driving instructor to provide behind-the-wheel driving instruction to minors. Each instructor employed by a commercial driving

school must obtain a fingerprint-based criminal history record check to verify that the instructor has not committed a disqualifying crime.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 39-22-549 as
3 follows:

4 **39-22-549. Credit for qualified driving instructional expense**
5 **- legislative declaration - definitions - repeal.** (1) (a) THE GENERAL
6 ASSEMBLY HEREBY FINDS AND DECLARES THAT, IN ACCORDANCE WITH
7 SECTION 39-21-304 (1), THE PURPOSE OF THIS TAX EXPENDITURE IS TO:

8 (I) INDUCE TAXPAYERS TO OBTAIN DRIVER EDUCATION AND
9 TRAINING FOR MINOR DRIVERS THAT WILL INCREASE ROAD SAFETY IN
10 COLORADO FOR BOTH THE MINOR AND OTHER DRIVERS; AND

11 (II) PROVIDE TAX RELIEF FOR TAXPAYERS THAT COMPLETE DRIVER
12 EDUCATION AND TRAINING.

13 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
14 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE
15 SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE INCREASE
16 IN THE NUMBER OF MINOR DRIVERS THAT COMPLETE A DRIVER EDUCATION
17 AND TRAINING PROGRAM AFTER THE EFFECTIVE DATE OF THIS SECTION.

18 (2) AS USED IN THIS SECTION:

19 (a) "CREDIT" MEANS THE CREDIT, CREATED IN THIS SECTION,
20 AGAINST THE INCOME TAX IMPOSED IN THIS ARTICLE 22.

21 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

22 (c) "QUALIFIED DRIVING INSTRUCTIONAL EXPENSE" MEANS THE
23 ACTUAL COST TO PARTICIPATE IN:

24 (I) A THIRTY-HOUR DRIVER EDUCATION COURSE APPROVED BY THE
25 DEPARTMENT THAT IS REQUIRED IN SECTION 42-2-104 (4)(a)(III); OR

1 (II) SIX HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING WITH A
2 DRIVING INSTRUCTOR EMPLOYED BY OR ASSOCIATED WITH A DRIVER
3 EDUCATION COURSE AS DESCRIBED IN SECTION 42-4-104 (4)(a)(IV)(A).

4 (d) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL WHO PAID A
5 QUALIFIED DRIVING INSTRUCTIONAL EXPENSE, OR THE INDIVIDUAL'S
6 PARENT OR GUARDIAN IF THE INDIVIDUAL DOES NOT FILE A TAX RETURN
7 FOR:

- 8 (I) THE INDIVIDUAL, IF A MINOR;
- 9 (II) A MINOR DEPENDENT OF THE INDIVIDUAL;
- 10 (III) A MINOR FOSTER CHILD OF THE INDIVIDUAL; OR
- 11 (IV) ANY MINOR MEMBER OF THE INDIVIDUAL'S IMMEDIATE
12 FAMILY.

13 (3) (a) FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
14 JANUARY 1, 2023, BUT BEFORE JANUARY 1, 2033, A QUALIFIED
15 INDIVIDUAL IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS
16 ARTICLE 22 FOR A QUALIFIED DRIVING INSTRUCTIONAL EXPENSE; EXCEPT
17 THAT THE AMOUNT OF THE CREDIT MUST NOT EXCEED FIVE HUNDRED
18 DOLLARS PER STUDENT WHO RECEIVED EDUCATION OR TRAINING FOR THE
19 INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2023. WHEN
20 THE CUMULATIVE EFFECT OF INFLATION HAS DEVALUED THE MAXIMUM
21 AMOUNT THAT MAY BE CLAIMED BY ONE HUNDRED DOLLARS, THE
22 DEPARTMENT SHALL INCREASE THE MAXIMUM AMOUNT THAT MAY BE
23 CLAIMED BY ONE HUNDRED DOLLARS.

24 (b) THIS SECTION DOES NOT APPLY TO A QUALIFIED INDIVIDUAL
25 WHOSE AGGREGATE FEDERAL ADJUSTED GROSS INCOME IS GREATER THAN
26 SEVENTY-FIVE THOUSAND DOLLARS.

27 (4) THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED

1 INDIVIDUAL'S INCOME TAXES DUE IS REFUNDED TO THE QUALIFIED
2 INDIVIDUAL.

3
4 (5) THE CREDIT IS NOT CONSIDERED TO BE INCOME OR RESOURCES
5 FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR THE PAYMENT OF
6 PUBLIC ASSISTANCE BENEFITS OR MEDICAL ASSISTANCE BENEFITS
7 AUTHORIZED UNDER STATE LAW OR FOR A PAYMENT MADE UNDER ANY
8 OTHER PUBLICLY FUNDED PROGRAMS.

9 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2038.

10 **SECTION 2.** In Colorado Revised Statutes, 42-2-104, **amend**
11 (4)(a); **repeal** (5); and **add** (5.5) as follows:

12 **42-2-104. Licenses issued - denied.** (4) (a) The department shall
13 not issue a driver's license, including a temporary driver's license under
14 section ~~42-2-106(2)~~ 42-2-106 (5), to a person under eighteen years of age
15 unless the person has:

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

18 (II) Submitted a log or other written evidence on a standardized
19 form approved by the department certifying that the person has completed
20 not less than fifty hours, OF WHICH NOT LESS THAN TEN HOURS MUST HAVE
21 BEEN COMPLETED WHILE DRIVING AT NIGHT, of actual driving experience
22 ~~of which not less than ten hours must have been completed while driving~~
23 ~~at night, which~~ WITH A DRIVING SUPERVISOR LISTED IN SECTION 42-2-106
24 (2)(b), (2)(c), OR (2)(e). THE form ~~is~~ MUST BE signed by:

25 (A) The person's parent or guardian or by ~~a~~ ANOTHER responsible
26 adult;

27 (B) The instructor of a ~~driver's~~ DRIVER education course approved

1 by the department; or

2 (C) Any individual who is twenty-one years of age or older, who
3 holds a valid driver's license, and who instructed the applicant if the
4 applicant is a foster child.

5 (III) SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
6 EDUCATION COURSE, WHICH MAY BE COMPLETED ONLINE, THAT IS
7 APPROVED BY THE DEPARTMENT; AND

8 (IV) RECEIVED A MINIMUM OF:

9 (A) SIX HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING WITH A
10 DRIVING INSTRUCTOR EMPLOYED BY OR ASSOCIATED WITH A DRIVER
11 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT; OR

12 (B) TWELVE HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING
13 DIRECTED BY A PARENT, A LEGAL GUARDIAN, OR AN ALTERNATE PERMIT
14 SUPERVISOR APPOINTED IN ACCORDANCE WITH SECTION 42-2-106 (2)(e)(I)
15 IF NO ENTITY OFFERS APPROVED BEHIND-THE-WHEEL DRIVING TRAINING
16 AT LEAST TWENTY HOURS A WEEK FROM A PERMANENT LOCATION WITH AN
17 ADDRESS THAT IS WITHIN THIRTY MILES OF THE PERMIT HOLDER'S
18 RESIDENCE.

19 ~~(5) The department shall not issue a driver's license to a person~~
20 ~~under sixteen years and six months of age unless the person has either:~~

21 ~~(a) Received a minimum of twelve hours of~~
22 ~~driving-behind-the-wheel training directed by a parent, a legal guardian,~~
23 ~~or an alternate permit supervisor, which training shall be in addition to the~~
24 ~~driving experience required by subsection (4) of this section, if no entity~~
25 ~~offers approved behind-the-wheel driver training at least twenty hours a~~
26 ~~week from a permanent location with an address that is within thirty miles~~
27 ~~of the permit holder's residence; or~~

1 ~~(b) Received a minimum of six hours of driving-behind-the-wheel~~
2 ~~training with a driving instructor employed or associated with an~~
3 ~~approved driver education course.~~

4 (5.5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE,
5 INCLUDING A TEMPORARY DRIVER'S LICENSE UNDER SECTION 42-2-106(5),
6 TO A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
7 TWENTY-ONE YEARS OF AGE UNLESS:

8 (a) THE PERSON HAS BEEN ISSUED A DRIVER'S LICENSE FROM
9 ANOTHER JURISDICTION; OR

10 (b) THE PERSON HAS SUCCESSFULLY COMPLETED A FOUR-HOUR
11 PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS APPROVED BY
12 THE DEPARTMENT OR A THIRTY-HOUR DRIVER EDUCATION COURSE THAT
13 IS APPROVED BY THE DEPARTMENT.

14 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
15 **with amendments,** 42-2-106 as follows:

16 **42-2-106. Instruction permits and temporary licenses -**
17 **penalty.** (1) (a) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT
18 TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER
19 TWENTY-ONE YEARS OF AGE AND WHO:

20 (I) HAS SUCCESSFULLY COMPLETED, WITHIN THE PREVIOUS SIX
21 MONTHS, A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED
22 BY THE DEPARTMENT; AND

23 (II) MEETS THE REQUIREMENTS TO BE ISSUED AN INSTRUCTION
24 PERMIT IN ACCORDANCE WITH SECTIONS 42-2-107 AND 42-2-108.

25 (b) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A
26 MINOR WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO:

27 (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER

1 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT OR A
2 FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS
3 APPROVED BY THE DEPARTMENT; AND

4 (II) QUALIFIES FOR AN INSTRUCTION PERMIT IN ACCORDANCE WITH
5 SECTIONS 42-2-107 AND 42-2-108.

6 (c) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A
7 MINOR WHO IS QUALIFIED UNDER SUBSECTION (1)(a) OR (1)(b) OF THIS
8 SECTION AND WHO HAS A DISABILITY THAT REQUIRES THE PERSON TO USE
9 A SPECIAL VEHICLE OR THAT QUALIFIES THE MINOR FOR PARKING
10 PRIVILEGES UNDER SECTION 42-3-204, BUT THE DEPARTMENT MAY SET
11 ADDITIONAL REASONABLE REQUIREMENTS ON THE USE OF THE
12 INSTRUCTION PERMIT.

13 (2) (a) AN INSTRUCTION PERMIT ENTITLES THE HOLDER TO DRIVE
14 A MOTOR VEHICLE ON A ROADWAY IF THE MINOR COMPLIES WITH
15 SUBSECTION (2)(b) OF THIS SECTION.

16 (b) EXCEPT AS PROVIDED IN SUBSECTION (2)(c), (2)(d), OR (2)(e)
17 OF THIS SECTION, AN INSTRUCTION PERMIT HOLDER SHALL NOT DRIVE A
18 MOTOR VEHICLE ON A ROADWAY UNLESS:

19 (I) THE PERMIT IS IN THE HOLDER'S IMMEDIATE POSSESSION; AND

20 (II) ONE OF THE FOLLOWING PERSONS WHO HOLDS A VALID
21 DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM THE FRONT
22 PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A MOTORCYCLE, IN CLOSE
23 PROXIMITY TO WHERE THE PERMIT HOLDER IS DRIVING:

24 (A) THE MINOR'S PARENT OR STEPPARENT;

25 (B) THE MINOR'S GRANDPARENT WITH POWER OF ATTORNEY;

26 (C) THE GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY;

27 (D) THE FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF

1 LIABILITY;

2 (E) AN APPROVED DRIVER EDUCATION INSTRUCTOR IF THE MOTOR
3 VEHICLE COMPLIES WITH SECTION 42-2-602;

4 (F) A PERSON AUTHORIZED TO SUPERVISE A FOSTER CHILD IN
5 SUBSECTION (2)(c) OF THIS SECTION;

6 (G) AN ALTERNATE PERMIT SUPERVISOR APPOINTED IN
7 ACCORDANCE WITH SUBSECTION (2)(e)(I) OF THIS SECTION; OR

8 (H) THE PERSON WHO SIGNED THE AFFIDAVIT OF LIABILITY.

9 (c) NOTWITHSTANDING SUBSECTION (2)(d) OF THIS SECTION, A
10 FOSTER CHILD MAY DRIVE WITH AND FULFILL THE FIFTY-HOUR DRIVING
11 REQUIREMENT ESTABLISHED IN SECTION 42-2-104 (4)(a)(II) WITH ANY
12 PERSON WHO:

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

14 (II) IS TWENTY-ONE YEARS OF AGE OR OLDER; AND

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

17 (d) THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
18 ATTORNEY, GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY, OR
19 FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF LIABILITY MAY ALLOW
20 THE MINOR TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S
21 LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL
22 DRIVING EXPERIENCE, BUT THE ADDITIONAL DRIVING EXPERIENCE DOES
23 NOT COUNT TOWARD THE FIFTY-HOUR DRIVING REQUIREMENT
24 ESTABLISHED IN SECTION 42-2-104 (4)(a)(II).

25 (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER
26 OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
27 MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE

1 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
2 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
3 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

4 (II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
5 ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
6 INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
7 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IS IN THE UNITED
8 STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE,
9 THE PERSON MAY SUPERVISE THE INSTRUCTION PERMIT HOLDER IF THE
10 PERSON HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS
11 AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS
12 PROPER MILITARY IDENTIFICATION.

13 (3) TO BE AN APPROVED DRIVING INSTRUCTOR, THE INSTRUCTOR
14 MUST HAVE A VALID DRIVER'S LICENSE. TO BE AN APPROVED DRIVING
15 INSTRUCTOR WHO GIVES INSTRUCTION IN MOTORCYCLES, THE INSTRUCTOR
16 MUST HAVE A VALID MOTORCYCLE DRIVER'S LICENSE OR ENDORSEMENT
17 AND HAVE SUCCESSFULLY COMPLETED AN INSTRUCTION PROGRAM IN
18 MOTORCYCLE SAFETY THAT IS APPROVED BY THE COLORADO STATE
19 PATROL.

20 (4) AN INSTRUCTION PERMIT EXPIRES THREE YEARS AFTER THE
21 DATE OF ISSUANCE; EXCEPT THAT A TEMPORARY INSTRUCTION PERMIT TO
22 DRIVE A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402
23 (4), EXPIRES ONE YEAR AFTER THE DATE OF ISSUANCE.

24 (5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A
25 TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE
26 TO AN APPLICANT WHO IS NOT A FIRST-TIME APPLICANT IN COLORADO OR
27 WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A

1 PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH
2 SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A
3 MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION
4 OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR
5 DRIVER'S LICENSE OR DRIVER'S LICENSE.

6 (b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S
7 LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN
8 COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT
9 WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE
10 DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO
11 THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR
12 DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE
13 APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE
14 AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY
15 IN ACCORDANCE WITH SECTION 42-2-108 (1). THE VERIFICATION MUST
16 INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND
17 IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE
18 APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

19 (c) A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
20 DRIVER'S LICENSE IS VALID FOR UP TO ONE YEAR AS DETERMINED BY THE
21 DEPARTMENT, UNLESS EXTENDED BY THE DEPARTMENT, AND MUST BE IN
22 THE APPLICANT'S IMMEDIATE POSSESSION WHILE OPERATING A MOTOR
23 VEHICLE. A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
24 DRIVER'S LICENSE IMMEDIATELY BECOMES INVALID WHEN THE PERMANENT
25 DRIVER'S LICENSE HAS BEEN ISSUED OR HAS BEEN REFUSED FOR GOOD
26 CAUSE.

27 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A

1 TRAFFIC INFRACTION.

2 **SECTION 4.** In Colorado Revised Statutes, 42-2-107, **amend**
3 (1)(a)(II) as follows:

4 **42-2-107. Application for license or instruction permit -**
5 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
6 **and tissue donation awareness fund - legislative declaration - rules -**
7 **annual report - repeal.** (1) (a) (II) If an applicant is applying for an
8 instruction permit, ~~or~~ driver's LICENSE, or minor driver's license for the
9 first time in Colorado and the applicant otherwise meets the requirements
10 for such license or permit, the applicant shall receive a temporary license,
11 TEMPORARY MINOR DRIVER'S LICENSE, or instruction permit pursuant to
12 section ~~42-2-106 (2)~~ 42-2-106 (5) until the department verifies all facts
13 relative to ~~such~~ THE applicant's right to receive an instruction permit, ~~or~~
14 minor driver's LICENSE, or driver's license, including the age, identity, and
15 residency of the applicant.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 42-2-605 as
17 follows:

18 **42-2-605. Criminal history of commercial driving instructors**
19 **- rules.** (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT PROVIDE,
20 AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A COMMERCIAL
21 DRIVING INSTRUCTOR TO PROVIDE, DRIVING INSTRUCTION TO A MINOR
22 IF THE COMMERCIAL DRIVING INSTRUCTOR HAS BEEN, WITHIN THE LAST
23 TWENTY YEARS, CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDERE
24 TO:

25 (a) A CRIMINAL VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE
26 6; ARTICLE 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

27 (b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY

1 RULE, PLACES A MINOR AT RISK OF SEXUAL MISCONDUCT OR VIOLENCE
2 WHEN ___ WITH THE COMMERCIAL DRIVING INSTRUCTOR; OR

3 (c) A CRIMINAL VIOLATION OF ARTICLE 2 OF TITLE 18, THE BASIS
4 OF WHICH IS AN OFFENSE LISTED IN SUBSECTION (1)(a) OR (1)(b) OF THIS
5 SECTION.

6 (2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR
7 AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE ___ DRIVING
8 INSTRUCTION TO A MINOR UNLESS THE COMMERCIAL DRIVING INSTRUCTOR
9 HAS OBTAINED A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
10 IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION. THE
11 COMMERCIAL DRIVING SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE
12 NAME OF EACH COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO
13 EMPLOY OR TO AUTHORIZE TO PROVIDE _____ DRIVING INSTRUCTION TO
14 MINORS.

15 (b) A COMMERCIAL DRIVING SCHOOL SHALL REQUIRE EACH
16 COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES _____ DRIVING
17 INSTRUCTION TO MINORS TO SUBMIT A COMPLETE SET OF FINGERPRINTS TO
18 A LOCAL LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY
19 SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF
20 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
21 CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF
22 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL
23 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
25 BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS TO THE
26 COMMERCIAL DRIVING SCHOOL. A COMMERCIAL DRIVING SCHOOL MAY
27 ACQUIRE A NAME-BASED JUDICIAL RECORD CHECK FOR A COMMERCIAL

1 DRIVING INSTRUCTOR WHO HAS TWICE SUBMITTED TO A
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
3 FINGERPRINTS ARE UNCLASSIFIABLE. THE COMMERCIAL DRIVING SCHOOL
4 SHALL NOTIFY THE DEPARTMENT OF ANY CRIMINAL CONVICTION OR PLEA
5 OF GUILTY OR NOLO CONTENDERE THAT DISQUALIFIES THE COMMERCIAL
6 DRIVING INSTRUCTOR FROM PROVIDING INSTRUCTION IN ACCORDANCE
7 WITH SUBSECTION (1) OF THIS SECTION. THE COMMERCIAL DRIVING
8 INSTRUCTOR SHALL PAY THE COSTS ASSOCIATED WITH THE
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
10 COLORADO BUREAU OF INVESTIGATION.

11 **SECTION 6. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect July 1, 2024; 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 the ninety-day period after final adjournment of the general
16 assembly, then the act, item, section, or part will not take effect unless
17 approved by the people at the general election to be held in November
18 2024 and, in such case, will take effect on the date of the official
19 declaration of the vote thereon by the governor.

20 (2) This act applies to acts committed on or after the effective date
21 of this act.