

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. 23-0018.02 Jery Payne x2157

HOUSE BILL 23-1147

HOUSE SPONSORSHIP

Kipp, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Lindsay, Mabrey, Michaelson Jenet, Ortiz, Valdez, Velasco, Vigil

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A BILL FOR AN ACT

101 **CONCERNING PROVISIONS RELATING TO THE ADEQUATE TRAINING OF**
102 **MOTOR VEHICLE DRIVERS, AND, IN CONNECTION THEREWITH,**
103 **CREATING AN ENTERPRISE TO EDUCATE POTENTIAL DRIVERS**
104 **AND REIMBURSE THIRD-PARTY PROVIDERS AND COUNTIES FOR**
105 **A PORTION OF THE COSTS OF ADMINISTERING DRIVING**
106 **EXAMINATIONS, SETTING LIMITS ON THE FEES THIRD-PARTY**
107 **PROVIDERS MAY CHARGE, PROVIDING TRANSLATION SERVICES**
108 **FOR DRIVING EXAMINATIONS, IMPOSING A FEE ON**
109 **INSTRUCTION PERMITS AND DRIVER'S LICENSES, AND MAKING AN**
110 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.

HOUSE
3rd Reading Unamended
April 24, 2023

HOUSE
Amended 2nd Reading
April 21, 2023

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 prohibits the department of revenue (department) from collecting a fee when an individual retakes a driving examination when the department does not administer the driving examination.

The bill creates the affordable driver education program testing enterprise (ADEPT enterprise) for the purpose of:

- Increasing access to driver training and driving examination in underserved areas;
- Deploying a free online driver training program in English and Spanish; and
- Reimbursing private driving schools for conducting driving examinations required by state law.

The governing board of the ADEPT enterprise consists of the following members:

- One member who represents the executive director (executive director) of the department and who is the chair of the governing board;
- One member who has experience providing translation services or administering programs that assist individuals for whom English is not their native language;
- One member who has experience working with youth;
- One member who represents rural areas that are underserved by private driving examination providers; and
- One member who represents private driving examination providers.

The governing board may advise the department about rules and may issue bonds with the approval of the executive director. The governing board is directed to:

- Oversee the implementation of the bill;
- Annually report to the executive director and coordinate with the department;
- Establish policies; and
- Hire employees and obtain necessary office space, equipment, and services.

The bill requires the ADEPT enterprise to:

- Make reasonable efforts to increase access to driver training and driving examinations in areas that are underserved by third-party driving examination providers;
- Make available to the public, at no cost, an online driver training program that qualifies the student to be issued an instruction permit and that is offered in English and

- Spanish;
- Create a system that allows a third-party provider to electronically request and receive information contained in the motorist insurance identification database to verify whether an individual seeking a driving examination has proof of financial responsibility; and
- Reimburse a third-party provider so that the cost to an individual taking an examination is \$25 for each initial driving examination and \$50 for a reexamination taken after a failed examination.

The bill directs the department to promulgate rules establishing procedures for the ADEPT enterprise to reimburse third-party providers and authorizes the department to limit the amount a third-party provider may charge for a driving examination.

Upon request and when reasonably possible, the department is required to provide translation services for driving examinations.

To implement the bill, a fee is established on applications for or issuance of an instruction permit or a driver's license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-104, amend
 3 (4)(a); repeal (5); and add (5.5) as follows:

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

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

10 (II) Submitted a log or other written evidence on a standardized
 11 form approved by the department certifying that the person has completed
 12 not less than fifty hours of actual driving experience WITH A DRIVING
 13 SUPERVISOR LISTED IN SECTION 42-2-106 (2)(b), (2)(c), OR (2)(e), of
 14 which not less than ten hours must have been completed while driving at
 15 night. ~~which~~ THE form is MUST BE signed by:

1 (A) The person's parent or guardian or by a ANOTHER responsible
2 adult;

3 (B) The instructor of a driver's DRIVER education course approved
4 by the department; or

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

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

11 (IV) RECEIVED A MINIMUM OF:

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

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

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

23 (a) Received a minimum of twelve hours of
24 driving-behind-the-wheel training directed by a parent, a legal guardian,
25 or an alternate permit supervisor, which training shall be in addition to the
26 driving experience required by subsection (4) of this section, if no entity
27 offers approved behind-the-wheel driver training at least twenty hours a

1 week from a permanent location with an address that is within thirty miles
2 of the permit holder's residence; or

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

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

10 (a) HAS BEEN ISSUED A DRIVER'S LICENSE FROM ANOTHER
11 JURISDICTION; OR

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

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

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

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

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

27 (b) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A

1 MINOR WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO:

2 (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
3 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT OR A
4 FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS
5 APPROVED BY THE DEPARTMENT; AND

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

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

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

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

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

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

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

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

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

2 (D) THE FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF
3 LIABILITY;

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

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

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

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

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

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

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

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

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

27 (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER

1 OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
2 MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
3 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
4 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
5 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

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

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

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

26 (5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A
27 TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE

1 TO AN APPLICANT WHO IS NOT A FIRST-TIME APPLICANT IN COLORADO OR
2 WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A
3 PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH
4 SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A
5 MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION
6 OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR
7 DRIVER'S LICENSE OR DRIVER'S LICENSE.

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

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

1 CAUSE.

2 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A
3 TRAFFIC INFRACTION.

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

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

18 SECTION 4. In Colorado Revised Statutes, 42-2-114.5, **amend**
19 (2) introductory portion; and **add** (8) as follows:

20 42-2-114.5. Fees for driver's licenses, identification cards, and
21 related services - crediting to DRIVES account - fee-setting
22 procedures - rules - repeal. (2) Except as provided in ~~subsection (3)~~
23 SUBSECTIONS (3) AND (8) of this section, the following fees must be paid
24 for the following functions:

25 (8) ON AND AFTER JULY 1, 2025, THE DEPARTMENT SHALL NOT
26 COLLECT THE EXAMINATION FEE IMPOSED IN SUBSECTION (2)(e) OF THIS
27 SECTION UNLESS THE DEPARTMENT ADMINISTERS THE DRIVING

1 EXAMINATION THAT IS BEING RETAKEN.

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

4 42-2-605. Criminal history of commercial driving instructors
5 - rules - definition. (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT
6 PROVIDE, AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A
7 COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE, DRIVING INSTRUCTION TO
8 A MINOR OR AT-RISK ADULT IF THE COMMERCIAL DRIVING INSTRUCTOR
9 HAS BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF OR PLEAD
10 GUILTY OR NOLO CONTENDERE TO:

11 (a) A CRIMINAL VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE
12 6; ARTICLE 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

13 (b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY
14 RULE, PLACES A MINOR OR AT-RISK ADULT AT RISK OF SEXUAL
15 MISCONDUCT OR VIOLENCE WHEN WITH THE COMMERCIAL DRIVING
16 INSTRUCTOR; OR

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

20 (2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR
21 AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE DRIVING
22 INSTRUCTION TO A MINOR OR AT-RISK ADULT UNLESS THE COMMERCIAL
23 DRIVING INSTRUCTOR HAS OBTAINED A FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS
25 SECTION; EXCEPT THAT A COMMERCIAL DRIVING INSTRUCTOR MAY
26 PROVIDE DRIVING INSTRUCTION ON A PROBATIONARY BASIS WHILE THE
27 RESULTS OF THE RECORD CHECK ARE PENDING. THE COMMERCIAL DRIVING

1 SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE NAME OF EACH
2 COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO
3 AUTHORIZE TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK
4 ADULTS.

5 (b) A COMMERCIAL DRIVING SCHOOL SHALL REQUIRE EACH
6 COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES DRIVING INSTRUCTION
7 TO MINORS OR AT-RISK ADULTS TO SUBMIT A COMPLETE SET OF
8 FINGERPRINTS TO A LOCAL LAW ENFORCEMENT AGENCY. THE LAW
9 ENFORCEMENT AGENCY SHALL SUBMIT THE FINGERPRINTS TO THE
10 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
11 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
12 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
13 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
14 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
15 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
16 FORWARD THE RESULTS TO THE COMMERCIAL DRIVING SCHOOL. THE
17 COMMERCIAL DRIVING SCHOOL MAY ACQUIRE A NAME-BASED JUDICIAL
18 RECORD CHECK FOR A COMMERCIAL DRIVING INSTRUCTOR WHO HAS TWICE
19 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
20 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. THE COMMERCIAL
21 DRIVING SCHOOL SHALL NOTIFY THE DEPARTMENT OF ANY CRIMINAL
22 CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE THAT
23 DISQUALIFIES THE COMMERCIAL DRIVING INSTRUCTOR FROM PROVIDING
24 INSTRUCTION IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. THE
25 COMMERCIAL DRIVING INSTRUCTOR SHALL PAY THE COSTS ASSOCIATED
26 WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
27 COLORADO BUREAU OF INVESTIGATION.

1 (c) THE DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE IS
2 ESTABLISHED AS A STATE-OWNED, DRIVING DRIVER EDUCATION VOUCHER
3 PROGRAM TO REDUCE THE COST BARRIERS TO OBTAINING DRIVER'S
4 LICENSES, AND THIS VOUCHER PROGRAM IS ANALOGOUS TO AN INSURANCE
5 PROGRAM BECAUSE THE FEES ESTABLISHED UNDER SECTION 42-2-707
6 ENSURE THAT THE COST OF A DRIVER EDUCATION COURSE WILL NOT BE A
7 BARRIER FOR A LICENSE APPLICANT TO OBTAIN A DRIVER'S LICENSE;

8
9 (d) THE DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE
10 CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X
11 OF THE COLORADO CONSTITUTION, AS LONG AS THE DRIVER EDUCATION
12 VOUCHER PROGRAM ENTERPRISE RETAINS AUTHORITY TO ISSUE REVENUE
13 BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL
14 REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), FROM ALL
15 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED;

16 (e) FOR AS LONG AS IT CONSTITUTES AN ENTERPRISE UNDER THIS
17 SECTION, THE DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE IS NOT
18 SUBJECT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION;
19 AND

20 (f) THE FEE IMPOSED IN SECTION 42-2-708 IS NOT A TAX BUT IS
21 INSTEAD A FEE IMPOSED:

22 (I) TO DEFRAY THE COST OF PARTICIPATING IN AND COMPLETING
23 A DRIVER EDUCATION COURSE, WHICH IS A SPECIFIC SERVICE TO EACH
24 INDIVIDUAL SEEKING A DRIVER'S LICENSE UPON WHOM THE FEE IS
25 IMPOSED; AND

26 (II) AT RATES REASONABLY CALCULATED BASED ON THE OVERALL
27 COST OF THE SERVICES PROVIDED BY THE DRIVER EDUCATION VOUCHER

1 PROGRAM ENTERPRISE.

2 **42-2-703. Definitions.** AS USED IN THIS PART 7, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 ==

5 ==

6 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

7 (2) "DRIVER EDUCATION COURSE" MEANS A DRIVER EDUCATION
8 COURSE OR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT
9 MEETS THE REQUIREMENTS SET FORTH IN SECTION 42-2-104 (4)(a)(III) OR
10 (5.5) OR 42-2-106 (1)(a)(I) OR (1)(b)(I), AS APPLICABLE, AND THAT IS
11 APPROVED BY THE DEPARTMENT.

12 (3) "DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE" OR
13 "ENTERPRISE" MEANS THE ENTERPRISE CREATED IN SECTION 43-2-704 (1).

14 (4) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO:

15 (a) IS REQUIRED, PURSUANT TO SECTION 42-2-104 (4)(a)(III) OR
16 (5.5) OR 42-2-106 (1)(a)(I) OR (1)(b)(I), AS APPLICABLE, TO COMPLETE A
17 DRIVER EDUCATION COURSE OR PREQUALIFICATION DRIVER AWARENESS
18 PROGRAM AS A PREREQUISITE TO OBTAINING A DRIVER'S LICENSE; AND

19 (b) HAS A HOUSEHOLD INCOME OF LESS THAN OR EQUAL TO TWO
20 HUNDRED PERCENT OF THE FEDERAL POVERTY GUIDELINE.

21 (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
22 THE DEPARTMENT.

23 (6) "FEE" MEANS THE == ENTERPRISE FEE ESTABLISHED IN SECTION
24 42-2-707.

25 (7) "FUND" MEANS THE DRIVER EDUCATION VOUCHER PROGRAM
26 ENTERPRISE FUND CREATED IN SECTION 42-2-706.

27 (8) "GOVERNING BOARD" MEANS THE GOVERNING BOARD OF THE

1 ENTERPRISE DESCRIBED IN SECTION 42-2-704 (2).

2 (9) "INFLATION OR DEFLATION" MEANS THE ANNUAL PERCENTAGE
3 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF
4 LABOR STATISTICS CONSUMER PRICE INDEX FOR
5 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
6 CONSUMERS, OR ITS SUCCESSOR INDEX.

7 (10) "VOUCHER PROGRAM" MEANS THE DRIVER EDUCATION
8 VOUCHER PROGRAM ESTABLISHED IN SECTION 42-2-705.

9 **42-2-704. Enterprise - creation - governing board - powers**
10 **and duties - issuance of bonds.** (1) THE DRIVER EDUCATION VOUCHER
11 PROGRAM ENTERPRISE IS CREATED AS A GOVERNMENT-OWNED BUSINESS
12 WITHIN THE DEPARTMENT.

13 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS
14 OF FIVE MEMBERS APPOINTED AS FOLLOWS:

15 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE MEMBER WHO
16 REPRESENTS THE EXECUTIVE DIRECTOR AND WHO IS THE CHAIR OF THE
17 GOVERNING BOARD;

18 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
19 APPOINT:

20 (A) ONE MEMBER WHO HAS EXPERIENCE PROVIDING TRANSLATION
21 SERVICES OR ADMINISTERING PROGRAMS THAT ASSIST INDIVIDUALS FOR
22 WHOM ENGLISH IS NOT THEIR NATIVE LANGUAGE; AND

23 (B) ONE MEMBER WHO REPRESENTS A PROVIDER OF A DRIVER
24 EDUCATION COURSE APPROVED BY THE DEPARTMENT;

25 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE MEMBER
26 WHO HAS EXPERIENCE WORKING WITH YOUTH; AND

27 (IV) THE GOVERNOR SHALL APPOINT ONE MEMBER WHO

1 REPRESENTS RURAL AREAS.

2 (b) THE EXECUTIVE DIRECTOR, THE GOVERNOR, THE SPEAKER OF
3 THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE
4 SHALL MAKE THE INITIAL APPOINTMENTS TO THE GOVERNING BOARD NO
5 LATER THAN JANUARY 1, 2025.

6 (c) THE TERM OF OFFICE OF MEMBERS OF THE GOVERNING BOARD
7 IS FOUR YEARS; EXCEPT THAT:

8 (I) EACH MEMBER OF THE GOVERNING BOARD SERVES AT THE
9 PLEASURE OF THE OFFICIAL WHO APPOINTED THE MEMBER; AND

10 (II) (A) IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE, FOR
11 EACH MEMBER INITIALLY APPOINTED IN ACCORDANCE WITH SUBSECTION
12 (2)(a)(II) OF THIS SECTION, THE INITIAL TERM OF OFFICE IS TWO YEARS.

13 (B) THIS SUBSECTION (2)(c)(II) IS REPEALED, EFFECTIVE JULY 1,
14 2028.

15 (3) EACH MEMBER OF THE GOVERNING BOARD OTHER THAN A
16 STATE EMPLOYEE SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO
17 RECEIVE REIMBURSEMENT FROM MONEY IN THE FUND FOR ACTUAL AND
18 NECESSARY EXPENSES THE MEMBER INCURS IN THE PERFORMANCE OF THE
19 MEMBER'S DUTIES FOR THE GOVERNING BOARD.

20 (4) (a) THE EXECUTIVE DIRECTOR SHALL ORGANIZE THE
21 GOVERNING BOARD AND CALL THE FIRST MEETING OF THE GOVERNING
22 BOARD TO OCCUR BY MARCH 1, 2025.

23 (b) THE GOVERNING BOARD SHALL MEET AT LEAST ANNUALLY.
24 THE CHAIR MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE
25 GOVERNING BOARD TO COMPLETE ITS DUTIES.

26 (5) THE GOVERNING BOARD MAY:

27 (a) TAKE ACTIONS NECESSARY TO IMPLEMENT AND ADMINISTER

1 THIS PART 7;

2 ==

3 (b) ISSUE BONDS IN ACCORDANCE WITH SUBSECTION (8) OF THIS
4 SECTION;

5 (c) ANNUALLY DETERMINE THE AMOUNT OF THE VOUCHER
6 AVAILABLE IN A STATE FISCAL YEAR UNDER THE VOUCHER PROGRAM.

7 (6) THE GOVERNING BOARD SHALL:

8 (a) OVERSEE THE IMPLEMENTATION AND ADMINISTRATION OF THIS
9 PART 7;

10 (b) ANNUALLY REPORT TO THE EXECUTIVE DIRECTOR, BY A DATE
11 DETERMINED BY THE EXECUTIVE DIRECTOR, CONCERNING THE
12 IMPLEMENTATION AND ADMINISTRATION OF THIS PART 7;

13 (c) ESTABLISH POLICIES TO IMPLEMENT AND ADMINISTER THIS
14 PART 7;

15 (d) HIRE ANY NECESSARY EMPLOYEES, WHO MAY ALSO BE
16 EMPLOYEES OF THE DEPARTMENT, TO IMPLEMENT AND ADMINISTER THIS
17 PART 7;

18 (e) OBTAIN THE NECESSARY OFFICE SPACE, EQUIPMENT, AND
19 SERVICES NECESSARY TO IMPLEMENT AND ADMINISTER THIS PART 7; AND

20 (f) COORDINATE WITH THE DEPARTMENT TO IMPLEMENT AND
21 ADMINISTER THIS PART 7.

22 (7) THE == ENTERPRISE SHALL REIMBURSE, AT FAIR MARKET
23 VALUE, THE DEPARTMENT FOR ANY EMPLOYEE TIME, OFFICE SPACE, OR
24 GOODS OR SERVICES PROVIDED BY THE DEPARTMENT.

25 (8) THE == ENTERPRISE MAY ISSUE BONDS. THE BONDS MUST BE:

26 (a) ISSUED BY A RESOLUTION OF THE GOVERNING BOARD; AND

27 (b) SECURED BY AND PAYABLE SOLELY OUT OF THE MONEY IN THE

1 FUND.

2

3 **42-2-705. Driver education voucher program - governing**

4 **board policies - annual determination of voucher amount.** (1)(a) THE

5 DRIVER EDUCATION VOUCHER PROGRAM IS CREATED TO PROVIDE

6 VOUCHERS TO ELIGIBLE INDIVIDUALS, STARTING JULY 1, 2025, TO HELP

7 DEFRAY THE COSTS OF PARTICIPATING IN AND COMPLETING A DRIVER

8 EDUCATION COURSE AS REQUIRED BY SECTION 42-2-104 (4)(a)(III) OR

9 (5.5) OR 42-2-106 (1)(a)(I) OR (1)(b)(I), AS APPLICABLE. AN ELIGIBLE

10 INDIVIDUAL MAY USE A VOUCHER GRANTED PURSUANT TO THIS SECTION

11 TO DEFRAY THE COSTS OF DRIVER TRAINING, INCLUDING CLASSROOM OR

12 ONLINE TRAINING AND BEHIND-THE-WHEEL TRAINING, AND A DRIVING

13 EXAMINATION EDUCATION.

14 (b) THE ENTERPRISE SHALL ADMINISTER THE VOUCHER PROGRAM

15 PURSUANT TO POLICIES DEVELOPED BY THE GOVERNING BOARD PURSUANT

16 TO SECTION 42-2-704 (6)(c), INCLUDING POLICIES REGARDING:

17 (I) THE FORM AND MANNER FOR INDIVIDUALS TO APPLY FOR A

18 VOUCHER;

19 (II) THE METHOD BY WHICH AN APPLICANT DEMONSTRATES

20 ELIGIBILITY FOR A VOUCHER;

21 (III) THE DETERMINATION OF THE VOUCHER AMOUNT AVAILABLE

22 EACH STATE FISCAL YEAR;

23 (IV) THE MECHANISM FOR TRANSFERRING THE VOUCHER, ON

24 BEHALF OF AN ELIGIBLE INDIVIDUAL, TO THE PROVIDER OF A DRIVER

25 EDUCATION COURSE IN WHICH THE ELIGIBLE INDIVIDUAL ENROLLS AND

26 FOR THE DRIVER EDUCATION COURSE PROVIDER TO REDEEM THE VOUCHER

27 THROUGH THE ENTERPRISE;

1 (V) THE MECHANISM FOR VERIFYING THE APPROPRIATE USE OF A
2 VOUCHER ISSUED BY THE ENTERPRISE AND FOR ENSURING THE ELIGIBLE
3 INDIVIDUAL SUCCESSFULLY COMPLETES A DRIVER EDUCATION COURSE FOR
4 WHICH A VOUCHER IS OBTAINED; AND

5 (VI) ANY OTHER MATTERS NECESSARY TO ADMINISTER THE
6 VOUCHER PROGRAM.

7 (2) BY MAY 1, 2025, AND BY EACH MAY 1 THEREAFTER, THE
8 GOVERNING BOARD SHALL DETERMINE, PURSUANT TO ITS POLICIES AND
9 BASED ON PROJECTIONS OF ANTICIPATED REVENUES IN THE FUND AND
10 EXPECTED NUMBER OF APPLICANTS TO THE VOUCHER PROGRAM, THE
11 AMOUNT OF THE VOUCHER AVAILABLE IN THE NEXT STATE FISCAL YEAR.
12 THE DEPARTMENT SHALL POST THE VOUCHER AMOUNT FOR A GIVEN
13 FISCAL YEAR ON ITS PUBLIC-FACING WEBSITE.

14 (3) AN ELIGIBLE INDIVIDUAL THAT RECEIVES A VOUCHER SHALL
15 USE THE VOUCHER TO PAY THE COST TO ENROLL IN A DRIVER EDUCATION
16 COURSE THAT IS APPROVED BY THE DEPARTMENT FOR PURPOSES OF
17 COMPLYING WITH THE REQUIREMENTS OF SECTION 42-2-104 (4)(a)(III) OR
18 (5.5) OR 42-2-106 (1)(a)(I) OR (1)(b)(I), AS APPLICABLE.

19 **42-2-706. Driver education voucher program enterprise fund.**

20 (1) THE DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE FUND IS
21 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
22 CREDITED TO THE FUND UNDER SECTION 42-2-707, REVENUE COLLECTED
23 FROM ANY REVENUE BONDS ISSUED PURSUANT TO SECTION 42-2-704 (8),
24 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
25 OR TRANSFER TO THE FUND.

26 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1 FUND TO THE FUND.

2 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
3 ENTERPRISE TO IMPLEMENT AND ADMINISTER THIS PART 7.

4 **42-2-707. Enterprise fee - rules.** (1) IN ADDITION TO ANY OTHER
5 FEE FOR THE ISSUANCE OF OR RENEWAL OF A DRIVER'S LICENSE, MINOR
6 DRIVER'S LICENSE, OR INSTRUCTION PERMIT, ON AND AFTER JANUARY 1,
7 2025, THE DEPARTMENT SHALL COLLECT AN ENTERPRISE FEE OF FIFTY
8 CENTS FOR EACH ISSUANCE OF OR RENEWAL OF A DRIVER'S LICENSE, MINOR
9 DRIVER'S LICENSE, OR INSTRUCTION PERMIT. THE DEPARTMENT SHALL
10 TRANSMIT THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE
11 TO THE FUND.

12 (2) THE DEPARTMENT MAY PROMULGATE RULES ADJUSTING THE
13 AMOUNT OF THE FEE SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO
14 ACCOUNT FOR INFLATION OR DEFLATION.

15

16

17 **SECTION 7. Appropriation.** (1) For the 2023-24 state fiscal
18 year, \$4,833,654 is appropriated to the department of revenue. This
19 appropriation is from the driver education voucher program enterprise
20 fund created in section 42-2-706 (1), C.R.S. To implement this act, the
21 department may use this appropriation as follows:

22 (a) \$143,042 for use by the executive director's office for personal
23 services related to administration and support, which amount is based on
24 an assumption that the department will require an additional 1.7 FTE;

25 (b) \$22,305 for use by the executive director's office for operating
26 expenses related to administration and support;

27 (c) \$71,011 for DRIVES maintenance and support; and

1 (d) \$4,597,296 for use by the division of motor vehicles for
2 driver's license exam reimbursements.

3 **SECTION 8. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly; except that, if a referendum petition is filed pursuant
7 to section 1 (3) of article V of the state constitution against this act or an
8 item, section, or part of this act within such period, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2024 and, in such case, will take
11 effect on the date of the official declaration of the vote thereon by the
12 governor.

13 (2) This act applies to applications for driver's licenses, instruction
14 permits, and vouchers submitted on or after July 1, 2025.