

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0829.01 Jery Payne x2157

HOUSE BILL 24-1021

HOUSE SPONSORSHIP

Lindsay,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE TRAINING OF INDIVIDUALS TO DRIVE MOTOR
102 VEHICLES.

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>.)

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. To obtain an instruction permit, current law requires a minor to meet one of the following conditions:

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.

- 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, including 30 hours of driving instruction and 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, the minor may choose to have at least 12 hours of training from a parent, legal guardian, or responsible adult.

Therefore, to obtain a driver's license, the minor must meet these requirements. The bill replaces the current requirements to be issued an instruction permit with requirements that a minor applicant 18 years of age or younger must:

- Complete a 30-hour driver education course, which may include an online course, approved by the department of revenue (department); and
- Receive at least 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, the minor may choose to have at least 12 hours of training from a parent, legal guardian, or responsible adult.

The bill 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 in order to be issued a driver's license or temporary driver's license.

The bill prohibits a person who has been convicted of certain violent or sexual crimes from providing behind-the-wheel driving instruction to minors and at-risk adults. A commercial driving school is prohibited from employing such a driving instructor to provide behind-the-wheel driving instruction to minors and at-risk adults. 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, 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

1 not issue a driver's license, including a temporary driver's license under
2 section ~~42-2-106(2)~~ 42-2-106 (5), to a person under eighteen years of age
3 unless the person has:

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

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

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

14 (B) The instructor of a ~~driver's~~ DRIVER education course approved
15 by the department; or

16 (C) Any individual who is twenty-one years of age or older, who
17 holds a valid driver's license, and who instructed the applicant if the
18 applicant is a foster child;

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

22 (IV) RECEIVED A MINIMUM OF:

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

26 (B) TWELVE HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING
27 DIRECTED BY A PARENT, A LEGAL GUARDIAN, OR AN ALTERNATE PERMIT

1 SUPERVISOR APPOINTED IN ACCORDANCE WITH SECTION 42-2-106 (2)(e)(I).

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

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

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

14 (5.5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE,
15 INCLUDING A TEMPORARY DRIVER'S LICENSE UNDER SECTION 42-2-106(5),
16 TO A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
17 TWENTY-ONE YEARS OF AGE UNLESS THE PERSON HAS:

18 (a) BEEN ISSUED A DRIVER'S LICENSE FROM ANOTHER
19 JURISDICTION; OR

20 (b) SUCCESSFULLY COMPLETED A FOUR-HOUR PREQUALIFICATION
21 DRIVER AWARENESS PROGRAM THAT IS APPROVED BY THE DEPARTMENT
22 OR A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED BY THE
23 DEPARTMENT.

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

26 **42-2-106. Instruction permits and temporary licenses -**
27 **penalty.** (1) (a) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT

1 TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER
2 TWENTY-ONE YEARS OF AGE AND WHO:

3 (I) HAS SUCCESSFULLY COMPLETED, WITHIN THE PREVIOUS SIX
4 MONTHS, A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED
5 BY THE DEPARTMENT, WHICH COURSE MAY BE COMPLETED ONLINE; AND

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

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

10 (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
11 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT, WHICH
12 COURSE MAY BE ONLINE, OR A FOUR-HOUR PREQUALIFICATION DRIVER
13 AWARENESS PROGRAM THAT IS APPROVED BY THE DEPARTMENT; AND

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

16 (c) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A
17 MINOR WHO IS QUALIFIED UNDER SUBSECTION (1)(a) OR (1)(b) OF THIS
18 SECTION AND WHO HAS A DISABILITY THAT REQUIRES THE PERSON TO USE
19 A SPECIAL VEHICLE OR THAT QUALIFIES THE MINOR FOR PARKING
20 PRIVILEGES UNDER SECTION 42-3-204, BUT THE DEPARTMENT MAY SET
21 ADDITIONAL REASONABLE REQUIREMENTS ON THE USE OF THE
22 INSTRUCTION PERMIT.

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

26 (b) EXCEPT AS PROVIDED IN SUBSECTION (2)(c), (2)(d), OR (2)(e)
27 OF THIS SECTION, AN INSTRUCTION PERMIT HOLDER SHALL NOT DRIVE A

1 MOTOR VEHICLE ON A ROADWAY UNLESS:

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

3 (II) ONE OF THE FOLLOWING PERSONS WHO HOLDS A VALID
4 COLORADO DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM
5 THE FRONT PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A
6 MOTORCYCLE, IN CLOSE PROXIMITY TO WHERE THE PERMIT HOLDER IS
7 DRIVING:

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

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

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

11 (D) THE FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF
12 LIABILITY;

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

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

17 (G) AN ALTERNATE PERMIT SUPERVISOR APPOINTED IN
18 ACCORDANCE WITH SUBSECTION (2)(e)(I) OF THIS SECTION;

19 (H) A PERSON DESCRIBED IN SUBSECTION (2)(e)(II) OF THIS
20 SECTION; OR

21 (I) THE PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND
22 WHO SIGNED THE AFFIDAVIT OF LIABILITY.

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

27 (I) HOLDS A VALID COLORADO DRIVER'S LICENSE; AND

1 (II) IS TWENTY-ONE YEARS OF AGE OR OLDER.

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

10 (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER
11 OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
12 MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
13 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
14 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
15 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

16 (II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
17 ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
18 INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
19 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IS IN THE UNITED
20 STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE,
21 THE PERSON MAY SUPERVISE THE INSTRUCTION PERMIT HOLDER IF THE
22 PERSON HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS
23 AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS
24 PROPER MILITARY IDENTIFICATION.

25 (3) (a) TO BE AN APPROVED DRIVING INSTRUCTOR, THE
26 INSTRUCTOR MUST HAVE A VALID COLORADO DRIVER'S LICENSE.

27 (b) TO BE AN APPROVED DRIVING INSTRUCTOR WHO GIVES

1 INSTRUCTION IN MOTORCYCLES, THE INSTRUCTOR MUST HAVE A VALID
2 MOTORCYCLE DRIVER'S LICENSE OR ENDORSEMENT AND HAVE
3 SUCCESSFULLY COMPLETED AN INSTRUCTION PROGRAM IN MOTORCYCLE
4 SAFETY THAT IS APPROVED BY THE COLORADO STATE PATROL.

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

9 (5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A
10 TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE
11 TO AN APPLICANT WHO:

12 (I) IS NOT A FIRST-TIME APPLICANT IN COLORADO; OR

13 (II) IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY
14 A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH
15 SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A
16 MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION
17 OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR
18 DRIVER'S LICENSE OR DRIVER'S LICENSE.

19 (b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S
20 LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN
21 COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT
22 WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE
23 DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO
24 THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR
25 DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE
26 APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE
27 AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY

1 IN ACCORDANCE WITH SECTION 42-2-108 (1). THE VERIFICATION MUST
2 INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND
3 IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE
4 APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

5 (c) A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
6 DRIVER'S LICENSE IS VALID FOR UP TO ONE YEAR AS DETERMINED BY THE
7 DEPARTMENT, UNLESS EXTENDED BY THE DEPARTMENT, AND MUST BE IN
8 THE APPLICANT'S IMMEDIATE POSSESSION WHILE OPERATING A MOTOR
9 VEHICLE. A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
10 DRIVER'S LICENSE IMMEDIATELY BECOMES INVALID WHEN THE PERMANENT
11 DRIVER'S LICENSE HAS BEEN ISSUED OR HAS BEEN REFUSED FOR GOOD
12 CAUSE.

13 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A
14 TRAFFIC INFRACTION.

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

17 **42-2-107. Application for license or instruction permit -**
18 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
19 **and tissue donation awareness fund - legislative declaration - rules -**
20 **annual report - repeal.** (1) (a) (II) If an applicant is applying for an
21 instruction permit, ~~or~~ driver's LICENSE, or minor driver's license for the
22 first time in Colorado and the applicant otherwise meets the requirements
23 for ~~such~~ THE license or permit, the applicant shall receive a temporary
24 license, TEMPORARY MINOR DRIVER'S LICENSE, or TEMPORARY instruction
25 permit pursuant to section ~~42-2-106(2)~~ 42-2-106(5) until the department
26 verifies all facts relative to ~~such~~ THE applicant's right to receive an
27 instruction permit, ~~or~~ minor driver's LICENSE, or driver's license, including

1 the age, identity, and residency of the applicant.

2 **SECTION 4.** In Colorado Revised Statutes, **add** 42-2-602.5 as
3 follows:

4 **42-2-602.5. Criminal history of commercial driving instructors**
5 **- rules - definition - repeal.** (1) A COMMERCIAL DRIVING INSTRUCTOR
6 SHALL NOT PROVIDE, AND A COMMERCIAL DRIVING SCHOOL SHALL NOT
7 EMPLOY A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE, DRIVING
8 INSTRUCTION TO A MINOR OR AT-RISK ADULT IF THE COMMERCIAL DRIVING
9 INSTRUCTOR HAS BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF
10 OR PLEAD GUILTY OR NOLO CONTENDERE TO:

11 (a) A VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE 6; ARTICLE
12 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 VIOLATION OF ARTICLE 2 OF TITLE 18, THE BASIS OF WHICH
18 IS AN OFFENSE LISTED IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION.

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

1 COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO
2 AUTHORIZE TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK
3 ADULTS.

4 (b) (I) A COMMERCIAL DRIVING SCHOOL SHALL REQUIRE EACH
5 COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES OR IS RETAINED TO
6 PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK ADULTS TO HAVE
7 THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT
8 AGENCY OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
9 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
10 CRIMINAL HISTORY RECORD CHECK. THE COMMERCIAL DRIVING
11 INSTRUCTOR SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S
12 FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE
13 SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF
14 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
15 CRIMINAL HISTORY RECORD CHECK.

16 (II) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
17 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
18 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
19 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
20 INFORMATION FOR MORE THAN THIRTY DAYS.

21 (III) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
22 COMMERCIAL DRIVING INSTRUCTOR'S FINGERPRINTS TO CONDUCT A
23 CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE
24 COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE
25 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
26 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
27 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION,

1 COMMERCIAL DRIVING INSTRUCTOR, COMMERCIAL DRIVING SCHOOL, AND
2 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
3 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
4 RECORD CHECK.

5 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
6 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE
7 COMMERCIAL DRIVING SCHOOL, AND THE COMMERCIAL DRIVING SCHOOL
8 IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF
9 INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE COMMERCIAL
10 DRIVING SCHOOL SHALL USE THE INFORMATION RESULTING FROM THE
11 CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE
12 WHETHER AN APPLICANT IS QUALIFIED FOR EMPLOYMENT AS A
13 COMMERCIAL DRIVING INSTRUCTOR PURSUANT TO SUBSECTION (1) OF THIS
14 SECTION.

15 (V) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE TO
16 COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
17 A COMMERCIAL DRIVING INSTRUCTOR, THE COLORADO BUREAU OF
18 INVESTIGATION SHALL INFORM THE COMMERCIAL DRIVING SCHOOL, AND
19 THE COMMERCIAL DRIVING SCHOOL SHALL CONDUCT A CRIMINAL HISTORY
20 RECORD CHECK OF THE PERSON USING COLORADO BUREAU OF
21 INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE FINGERPRINT-BASED
22 CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS SUBSECTION (2).

23 (VI) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
24 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (2) REVEAL
25 A RECORD OF ARREST WITHOUT A DISPOSITION, THE COMMERCIAL DRIVING
26 SCHOOL SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED
27 JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

1 (VII) THE COMMERCIAL DRIVING SCHOOL SHALL NOTIFY THE
2 DEPARTMENT OF ANY CRIMINAL CONVICTION OR PLEA OF GUILTY OR NOLO
3 CONTENDERE THAT DISQUALIFIES THE COMMERCIAL DRIVING INSTRUCTOR
4 FROM PROVIDING INSTRUCTION IN ACCORDANCE WITH SUBSECTION (1) OF
5 THIS SECTION.

6 (VIII) THE COMMERCIAL DRIVING SCHOOL SHALL PAY THE COSTS
7 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
8 CHECK TO THE COLORADO BUREAU OF INVESTIGATION.

9 (3) AS USED IN THIS SECTION, "AT-RISK ADULT" HAS THE MEANING
10 SET FORTH IN SECTION 18-6.5-102 (2).

11 (4) (a) THIS SECTION TAKES EFFECT JULY 1, 2026.

12 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2027.

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

23 (2) This act applies to applications for instruction permits and
24 driver's licenses submitted on or after the applicable effective date of this
25 act.