

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0267.01 Jane Ritter

HOUSE BILL 10-1059

HOUSE SPONSORSHIP

Gagliardi,

SENATE SPONSORSHIP

Newell,

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A MINOR WHO IS IN THE FOSTER CARE**
102 **SYSTEM TO REGISTER FOR A DRIVER EDUCATION COURSE PRIOR**
103 **TO APPLYING FOR AN INSTRUCTION PERMIT WITHOUT A SIGNED**
104 **AFFIDAVIT OF LIABILITY.**

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://www.leg.state.co.us/billsummaries>.)

The bill clarifies that a minor who is 15 years of age or older and in the foster care system (minor) is not required to complete and present

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
March 11, 2010

HOUSE
3rd Reading Unam ended
February 8, 2010

HOUSE
2nd Reading Unam ended
February 4, 2010

an affidavit of liability (affidavit) in order to register for a department of revenue-approved driver education class prior to applying for a minor's instruction permit (permit). The minor shall continue to be required to present an affidavit before beginning to drive with a permit.

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

2 **SECTION 1.** 42-2-106 (1) (b) (I), Colorado Revised Statutes, is
3 amended to read:

4 **42-2-106. Instruction permits and temporary licenses.**

5 (1) (b) (I) A minor who is fifteen years of age or older and has completed
6 a department-approved driver education course within the last six months
7 may apply for a minor's instruction permit, pursuant to sections 42-2-107
8 and 42-2-108. NOTHING IN THIS SUBPARAGRAPH (I) SHALL REQUIRE A
9 MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND IN THE FOSTER CARE
10 SYSTEM TO COMPLETE AND PRESENT AN AFFIDAVIT OF LIABILITY TO
11 REGISTER FOR A DEPARTMENT-APPROVED DRIVER EDUCATION COURSE
12 PRIOR TO APPLYING FOR A MINOR'S INSTRUCTION PERMIT. Upon
13 presentation of a written or printed statement signed by the parent,
14 stepparent, grandparent with power of attorney, or guardian or foster
15 parent and the instructor of the driver education course that the minor has
16 passed an approved driver education course, AND A SIGNED AFFIDAVIT OF
17 LIABILITY PURSUANT TO SECTION 42-2-108, the department shall issue the
18 permit entitling the applicant, while having the permit in the applicant's
19 immediate possession, to drive a motor vehicle, including a motorcycle,
20 under the supervision of the parent, stepparent, grandparent with power
21 of attorney, or guardian or foster parent, who cosigned the application for
22 the minor's instruction permit, if the parent, stepparent, grandparent with
23 power of attorney, or guardian or foster parent holds a valid Colorado

1 driver's license and occupies the front seat of the motor vehicle or, if the
2 vehicle is a motorcycle, is authorized under this article to drive a
3 motorcycle and is in close proximity to the driver while the minor is
4 driving. In addition, the parent, stepparent, grandparent with power of
5 attorney, or guardian or foster parent, who is authorized pursuant to this
6 section to supervise the minor driver while the minor is driving, may
7 allow the minor, while having the permit in the applicant's immediate
8 possession, to drive with an individual who holds a valid driver's license
9 and is twenty-one years of age or older for additional driving experience,
10 but such additional driving experience shall not count toward the
11 requirement established in section 42-2-104. The permit shall also entitle
12 the applicant to drive a motor vehicle, including a motorcycle, that is
13 marked to indicate that it is a motor vehicle used for instruction and that
14 is properly equipped for instruction, upon the highways when
15 accompanied by or under the supervision of an approved driver education
16 instructor who holds a valid Colorado driver's license. Driver education
17 instructors giving instruction in motorcycle safety shall have a valid
18 motorcycle driver's license from Colorado and shall have successfully
19 completed an instruction program in motorcycle safety approved by the
20 department. The permit shall expire three years after issuance.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2010 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.