

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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

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 statute.
Dashes through the words indicate deletions from existing statute.

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

25 (II) SIX HOURS OF BEHIND-THE-WHEEL DRIVING TRAINING WITH A

1 DRIVING INSTRUCTOR EMPLOYED BY OR ASSOCIATED WITH A DRIVER
2 EDUCATION COURSE AS DESCRIBED IN SECTION 42-4-104 (4)(a)(IV)(A).

3 (d) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL WHO PAID A
4 QUALIFIED DRIVING INSTRUCTIONAL EXPENSE FOR:

5 (I) THE INDIVIDUAL, IF A MINOR;
6 (II) A MINOR DEPENDENT OF THE INDIVIDUAL;
7 (III) A MINOR FOSTER CHILD OF THE INDIVIDUAL; OR
8 (IV) ANY MINOR MEMBER OF THE INDIVIDUAL'S IMMEDIATE
9 FAMILY.

10 (3) FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
11 JANUARY 1, 2023, BUT BEFORE JANUARY 1, 2033, A QUALIFIED
12 INDIVIDUAL IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS
13 ARTICLE 22 FOR A QUALIFIED DRIVING INSTRUCTIONAL EXPENSE; EXCEPT
14 THAT THE AMOUNT OF THE CREDIT MUST NOT EXCEED ONE THOUSAND
15 DOLLARS PER STUDENT WHO RECEIVED EDUCATION OR TRAINING FOR THE
16 INCOME TAX YEAR COMMENCING ON JANUARY 1, 2023, AS ADJUSTED FOR
17 INFLATION FOR EACH INCOME TAX YEAR THEREAFTER.

18 (4) THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED
19 INDIVIDUAL'S INCOME TAXES DUE IS REFUNDED TO THE QUALIFIED
20 INDIVIDUAL.

21 (5) TO CLAIM A CREDIT, A QUALIFIED INDIVIDUAL MUST PROVIDE
22 TO THE DEPARTMENT, UPON THE DEPARTMENT'S REQUEST, A RECEIPT FOR
23 THE AMOUNT THE INDIVIDUAL PAID FOR THE QUALIFYING DRIVING
24 INSTRUCTIONAL EXPENSE.

25 (6) THE CREDIT IS NOT CONSIDERED TO BE INCOME OR RESOURCES
26 FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR THE PAYMENT OF
27 PUBLIC ASSISTANCE BENEFITS OR MEDICAL ASSISTANCE BENEFITS

1 AUTHORIZED UNDER STATE LAW OR FOR A PAYMENT MADE UNDER ANY
2 OTHER PUBLICLY FUNDED PROGRAMS.

3 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2038.

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

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

10 (I) Applied for, been issued, and possessed an appropriate
11 instruction permit for at least twelve months; **and**

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

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

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

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

26 (III) SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
27 EDUCATION COURSE, WHICH MAY BE COMPLETED ONLINE, THAT IS

1 APPROVED BY THE DEPARTMENT; AND

2 (IV) RECEIVED A MINIMUM OF:

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

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

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

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

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

25 (5.5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE,
26 INCLUDING A TEMPORARY DRIVER'S LICENSE UNDER SECTION 42-2-106(5),
27 TO A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND UNDER

1 TWENTY-ONE YEARS OF AGE UNLESS THE PERSON HAS SUCCESSFULLY
2 COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS
3 PROGRAM THAT IS APPROVED BY THE DEPARTMENT OR A THIRTY-HOUR
4 DRIVER EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT.

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

7 **42-2-106. Instruction permits and temporary licenses -**
8 **penalty.** (1) (a) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT
9 TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER
10 TWENTY-ONE YEARS OF AGE AND WHO:

11 (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
12 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT; AND

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

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

17 (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER
18 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT OR A
19 FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS
20 APPROVED BY THE DEPARTMENT; AND

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

23 (c) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A
24 MINOR WHO IS QUALIFIED UNDER SUBSECTION (1)(a) OR (1)(b) OF THIS
25 SECTION AND WHO HAS A DISABILITY THAT REQUIRES THE PERSON TO USE
26 A SPECIAL VEHICLE OR THAT QUALIFIES THE MINOR FOR PARKING
27 PRIVILEGES UNDER SECTION 42-3-204, BUT THE DEPARTMENT MAY SET

1 ADDITIONAL REASONABLE REQUIREMENTS ON THE USE OF THE
2 INSTRUCTION PERMIT.

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

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

9 (I) THE PERMIT IS IN THE HOLDER'S IMMEDIATE POSSESSION; AND
10 (II) ONE OF THE FOLLOWING PERSONS WHO HOLDS A COLORADO
11 DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM THE FRONT
12 PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A MOTORCYCLE, IN CLOSE
13 PROXIMITY TO WHERE THE PERMIT HOLDER IS DRIVING:

14 (A) THE MINOR'S PARENT OR STEPPARENT;
15 (B) THE MINOR'S GRANDPARENT WITH POWER OF ATTORNEY;
16 (C) THE GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
17 MINOR'S INSTRUCTION PERMIT;

18 (D) THE FOSTER PARENT WHO COSIGNED THE APPLICATION FOR
19 THE MINOR'S INSTRUCTION PERMIT;

20 (E) AN APPROVED DRIVER EDUCATION INSTRUCTOR IF THE MOTOR
21 VEHICLE COMPLIES WITH SECTION 42-2-602 AND IS MARKED TO INDICATE
22 THAT IT IS USED FOR INSTRUCTION;

23 (F) A PERSON AUTHORIZED TO SUPERVISE A FOSTER CHILD IN
24 SUBSECTION (2)(c) OF THIS SECTION; OR

25 (G) AN ALTERNATE PERMIT SUPERVISOR APPOINTED IN
26 ACCORDANCE WITH SUBSECTION (2)(e)(I) OF THIS SECTION.

27 (c) NOTWITHSTANDING SUBSECTION (2)(d) OF THIS SECTION, A

1 FOSTER CHILD MAY DRIVE WITH AND FULFILL THE FIFTY-HOUR DRIVING
2 REQUIREMENT ESTABLISHED IN SECTION 42-2-104 (4)(a)(II) WITH ANY
3 PERSON WHO:

4 (I) HOLDS A VALID DRIVER'S LICENSE;
5 (II) IS TWENTY-ONE YEARS OF AGE OR OLDER; AND
6 (III) OCCUPIES THE FRONT PASSENGER SEAT, IN CLOSE PROXIMITY
7 TO THE FOSTER CHILD, FOR THE PURPOSES OF INSTRUCTION.

8 (d) THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
9 ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
10 INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
11 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT MAY ALLOW THE
12 MINOR TO DRIVE WITH AN INDIVIDUAL WHO HOLDS A VALID DRIVER'S
13 LICENSE AND IS TWENTY-ONE YEARS OF AGE OR OLDER FOR ADDITIONAL
14 DRIVING EXPERIENCE, BUT THE ADDITIONAL DRIVING EXPERIENCE DOES
15 NOT COUNT TOWARD THE FIFTY-HOUR DRIVING REQUIREMENT
16 ESTABLISHED IN SECTION 42-2-104 (4)(a)(II).

17 (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER
18 OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE
19 MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
20 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
21 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
22 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

23 (II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
24 ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
25 INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
26 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IS IN THE UNITED
27 STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE,

1 THE PERSON MAY SUPERVISE THE INSTRUCTION PERMIT HOLDER IF THE
2 PERSON HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS
3 AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS
4 PROPER MILITARY IDENTIFICATION.

5 (3) TO BE AN APPROVED DRIVING INSTRUCTOR, THE INSTRUCTOR
6 MUST HAVE A VALID DRIVER'S LICENSE. TO BE AN APPROVED DRIVING
7 INSTRUCTOR WHO GIVES INSTRUCTION IN MOTORCYCLES, THE INSTRUCTOR
8 MUST HAVE A VALID MOTORCYCLE DRIVER'S LICENSE OR ENDORSEMENT
9 FROM COLORADO AND HAVE SUCCESSFULLY COMPLETED AN INSTRUCTION
10 PROGRAM IN MOTORCYCLE SAFETY THAT IS APPROVED BY THE
11 DEPARTMENT.

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

16 (5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A
17 TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE
18 TO AN APPLICANT WHO IS NOT A FIRST-TIME APPLICANT IN COLORADO OR
19 WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCCOMPANIED BY A
20 PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH
21 SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A
22 MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION
23 OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR
24 DRIVER'S LICENSE OR DRIVER'S LICENSE.

25 (b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S
26 LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN
27 COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT

1 WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE
2 DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO
3 THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR
4 DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE
5 APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE
6 AND IS ACCCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY
7 IN ACCORDANCE WITH SECTION 42-2-108 (1). THE VERIFICATION MUST
8 INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND
9 IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE
10 APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

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

19 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A
20 TRAFFIC INFRACTION.

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

23 **42-2-107. Application for license or instruction permit -**
24 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
25 **and tissue donation awareness fund - legislative declaration - rules -**
26 **annual report - repeal.** (1) (a) (II) If an applicant is applying for an
27 instruction permit, **or** driver's LICENSE, or minor driver's license for the

1 first time in Colorado and the applicant otherwise meets the requirements
2 for such license or permit, the applicant shall receive a temporary license,
3 TEMPORARY MINOR DRIVER'S LICENSE, or instruction permit pursuant to
4 section ~~42-2-106 (2)~~ 42-2-106 (5) until the department verifies all facts
5 relative to ~~such~~ THE applicant's right to receive an instruction permit, ~~or~~
6 minor driver's LICENSE, or driver's license, including the age, identity, and
7 residency of the applicant.

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

10 **42-2-605. Criminal history of commercial driving instructors**
11 **- rules.** (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT PROVIDE,
12 AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A COMMERCIAL
13 DRIVING INSTRUCTOR TO PROVIDE, BEHIND-THE-WHEEL DRIVING
14 INSTRUCTION TO A MINOR IF THE COMMERCIAL DRIVING INSTRUCTOR HAS
15 BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF OR PLEAD GUILTY
16 OR NOLO CONTENDERE TO:

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

19 (b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY
20 RULE, PLACES A MINOR AT RISK OF SEXUAL MISCONDUCT OR VIOLENCE
21 WHEN DRIVING WITH THE COMMERCIAL DRIVING INSTRUCTOR; OR

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

25 (2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR
26 AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE
27 BEHIND-THE-WHEEL DRIVING INSTRUCTION TO A MINOR UNLESS THE

1 COMMERCIAL DRIVING INSTRUCTOR HAS OBTAINED A FINGERPRINT-BASED
2 CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH SUBSECTION
3 (2)(b) OF THIS SECTION. THE COMMERCIAL DRIVING SCHOOL SHALL SUBMIT
4 TO THE DEPARTMENT THE NAME OF EACH COMMERCIAL DRIVING
5 INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO AUTHORIZE TO PROVIDE
6 BEHIND-THE-WHEEL DRIVING INSTRUCTION TO MINORS.

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

1 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
2 CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF
3 INVESTIGATION.

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

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