

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 19-0186.01 Jery Payne x2157

**HOUSE BILL 19-1023**

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**HOUSE SPONSORSHIP**

**Saine and Jackson**, McLachlan, Roberts

**SENATE SPONSORSHIP**

**Marble and Todd**, Zenzinger

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**House Committees**  
Transportation & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING ISSUANCE OF DRIVING AUTHORIZATION DOCUMENTS TO**  
102     **FOSTER CHILDREN WHO ARE UNDER EIGHTEEN YEARS OF AGE.**

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**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.** Section 1 of the bill clarifies that a minor who is at least 16 years of age can purchase auto insurance.

**Section 2** exempts a foster child from being required, when being issued a driver's license, to have his or her foster parent or other legal guardian sign an affidavit of liability if the child holds evidence of

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.*

financial responsibility in his or her own name. Section 2 also authorizes counties to provide a service that exempts foster children from needing a foster parent or other legal guardian to sign an affidavit of liability. The county may accept and expend gifts, grants, or donations to implement this program.

Under current law, a county must obtain the permission of a foster parent to help a foster child obtain an instruction permit without a responsible adult signing an affidavit of liability, but the county need not obtain this permission if the foster child is at least 17 1/2 years of age. Section 2 lowers this requirement to age 17.

To be issued a driver's license, current law requires a minor to submit driving logs showing 50 hours of instruction. **Section 3** allows any person who is at least 21 years of age and who holds a driver's license to sign a foster child's driving logs if the person provided the instruction and the foster child has provided proof of financial responsibility.

Current law, with some exceptions, requires a person who is under 16 years of age and who was issued an instruction permit to be instructed in driving by the person who signed the affidavit of liability. **Section 4** authorizes anyone who is at least 21 years of age and who holds a driver's license to instruct a foster child with a driving permit.

**Section 5** directs the department of personnel to create a program that pools insurance of a child who has been in a foster home for at least one year with the insurance on the state fleet to make insurance less expensive for the foster child. The department of personnel may accept and expend gifts, grants, or donations to implement this program.

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

2             **SECTION 1.** In Colorado Revised Statutes, **amend** 10-4-104 as  
3     follows:

4             **10-4-104. Competency of minor to contract for insurance -**  
5     **nonavoidance.** Any minor ~~of the age of~~ sixteen years OF AGE or ~~over~~  
6     ~~OLDER~~ may, notwithstanding his OR HER minority, contract for insurance,  
7     INCLUDING MOTOR VEHICLE INSURANCE, upon his OR HER own property  
8     or liabilities. ~~Such a~~ THE minor shall, notwithstanding such minority, be  
9     deemed IS HEREBY DETERMINED TO BE competent to exercise all rights  
10    and powers with respect to or under any such contract as might be  
11    exercised by a person of full legal age and may at any time surrender ~~his~~

1 THE MINOR'S interest in ~~any such contracts~~ THE CONTRACT and give valid  
2 discharge for any benefits accruing or money payable thereunder. ~~Such~~  
3 ~~a minor shall not, by reason of his minority, be~~ HAVING ENTERED INTO A  
4 CONTRACT FOR INSURANCE, THE MINOR IS NOT entitled to rescind, avoid,  
5 or repudiate the contract nor to rescind, avoid, or repudiate any exercise  
6 of a right or privilege ~~thereunder~~ UNDER THE CONTRACT BY REASON OF  
7 MINORITY.

8 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend**  
9 (1)(a), (1)(b) introductory portion, (1)(b)(I), (1)(b)(II), and (3); **repeal**  
10 (1)(b)(III) and (1)(b)(IV); and **add** (1.5)(e) as follows:

11 **42-2-108. Application of minors.** (1) (a) (I) The application of  
12 any person under eighteen years of age for an instruction permit or minor  
13 driver's license must be accompanied by EITHER:

14 (A) An affidavit of liability signed and verified by the parent,  
15 stepparent, FOSTER PARENT, grandparent with power of attorney,  
16 guardian, spouse of the applicant if the spouse is eighteen years of age or  
17 older, or ~~in the event there is no such person, guardian, or spouse,~~ any  
18 other responsible adult who ~~is willing to assume~~ ASSUMES the obligation  
19 imposed under this article 2 ~~upon an adult~~ BY signing the affidavit of  
20 liability for a minor; OR

21 (B) **PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE, AS**  
22 **DEFINED IN SECTION 42-7-103 (14), HELD IN THE NAME OF THE MINOR IF**  
23 **THE MINOR IS A FOSTER CHILD.**

24 (II) When an applicant has been made a ward of any court in the  
25 state for any reason and has been placed in ~~a foster home~~ FOSTER CARE,  
26 the foster parents or parent may sign the affidavit of liability for the  
27 minor. If the parent or foster parent is unwilling or unable to sign the

1 affidavit of liability, a guardian ad litem, ~~a designated~~ AN official of the  
2 county department of human or social services having custody of the  
3 applicant, or ~~a designated~~ AN official of the division of youth services in  
4 the state department of human services having custody of the applicant  
5 may sign the application for an instruction permit without signing the  
6 affidavit of liability for the minor if the requirements of subsection (1)(b)  
7 of this section are met; except that, prior to signing the application for an  
8 instruction permit, the guardian ad litem or other ~~designated~~ official shall  
9 notify the court of his or her intent to sign the application, and except that,  
10 the guardian ad litem or ~~designated~~ official shall not sign the application  
11 for an instruction permit for a minor who is placed in ~~a foster care home~~  
12 and is under seventeen ~~and one-half~~ years of age without first obtaining  
13 the consent of the foster parent. If the minor is seventeen ~~and one-half~~  
14 years of age or older and is in the care of a foster parent, in order to  
15 prepare the minor for emancipation from foster care and to assist the  
16 minor in obtaining important life skills, the guardian ad litem or  
17 ~~designated~~ official shall consult with the foster parent of the minor about  
18 the opportunity for the minor to learn driving skills under the restrictions  
19 provided in subsection (1)(b) of this section prior to signing an  
20 application for an instruction permit. The guardian ad litem or ~~designated~~  
21 official shall solicit the opinion of the minor's foster parent concerning  
22 the minor's ability to exercise good judgment and make decisions as well  
23 as the minor's overall capacity to drive.

24 (III) When a minor to whom an instruction permit or minor  
25 driver's license has been issued is required to appear before the  
26 department for a hearing ~~pursuant to any provision of~~ IN ACCORDANCE  
27 WITH this article 2, the ~~minor must be accompanied by~~ the person who

1 signed the affidavit of liability for the minor or by the guardian ad litem  
2 or ~~designated~~ official who signed the application for an instruction permit  
3 for the minor SHALL ACCOMPANY THE MINOR. If the person who signed  
4 the minor's affidavit of liability or application for an instruction permit is  
5 unable to attend the hearing, he or she shall submit to the department a  
6 verified signed statement certifying under oath that he or she is aware of  
7 the purpose of the hearing but cannot attend.

8 (b) The department shall issue an instruction permit to an  
9 applicant under ~~the age of~~ eighteen years OF AGE who is otherwise  
10 eligible to obtain an instruction permit and who has been made a ward of  
11 the court and who is in out-of-home placement without the requirement  
12 of a ~~parent, guardian, stepparent, or foster parent~~ PERSON signing an  
13 affidavit of liability if the following requirements are met:

14 (I) The guardian ad litem, ~~a designated~~ AN official of the county  
15 department of human or social services having custody of the applicant,  
16 or ~~a designated~~ AN official of the division of youth services in the state  
17 department of human services having custody of the applicant signs the  
18 application for an instruction permit; AND

19 (II) (A) If the minor is in the care of a foster parent and is under  
20 seventeen ~~and one-half~~ years of age, the foster parent consents to the  
21 minor learning driving skills under the restrictions provided in this  
22 subsection (1); or

23 (B) If the minor is in the care of a foster parent and is at least  
24 seventeen ~~and one-half~~ years of age, the guardian ad litem or the  
25 ~~designated~~ official has consulted with the foster parent prior to signing  
26 the application for an instruction permit.

27 (III) ~~The applicant is enrolled in or will be enrolled in a~~

1       commercial driving course that insures the motor vehicles in which the  
2       applicant will be driving as a student for property damage and personal  
3       injury; and

4                   (IV) The commercial driving course maintains possession of the  
5       applicant's instruction permit at all times.

6                   (1.5) (e)    EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
7       SERVICES HAVING CUSTODY OF A FOSTER CHILD OR WARD OF THE COURT  
8       MAY IMPLEMENT A PROGRAM THAT PROVIDES THE SERVICES AUTHORIZED  
9       UNDER SUBSECTION (1)(b) OF THIS SECTION. THE COUNTY DEPARTMENT  
10      OF HUMAN OR SOCIAL SERVICES MAY:

11                   (I) ASSESS THE CHILD'S OR WARD'S MENTAL, EMOTIONAL, AND  
12       PHYSICAL ABILITY TO SAFELY DRIVE A MOTOR VEHICLE AND, BASED ON  
13       THAT ASSESSMENT, APPROVE OR DENY THE PROVISION OF SERVICES UNDER  
14       SUBSECTION (1)(b) OF THIS SECTION;    

15                   (II) (A)    SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR  
16       DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
17       SUBSECTION (1.5); AND

18                   (B)    A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES  
19       SHALL NOT IMPLEMENT A PROGRAM ESTABLISHED PURSUANT TO THIS  
20       SUBSECTION (1.5)(e) UNLESS FULL FUNDING HAS BEEN RECEIVED THROUGH  
21       GIFTS, GRANTS, OR DONATIONS.

22                   (3) (a) In the event this state requires a minor under the age of  
23       eighteen years to deposit, or there is deposited upon such minor's behalf,  
24       proof of financial responsibility with respect to the operation of a motor  
25       vehicle owned by such minor or, if such minor is not the owner of a  
26       motor vehicle, with respect to the operating of any motor vehicle, in form  
27       and in amounts as required under the motor vehicle financial

1 responsibility laws of this state, then The department ~~may~~ SHALL accept  
2 the application of ~~such~~ A QUALIFIED minor ~~when~~ IF:

3 (I) A MINOR UNDER EIGHTEEN YEARS OF AGE HAS DEPOSITED, OR  
4 THERE IS DEPOSITED ON THE MINOR'S BEHALF, PROOF OF FINANCIAL  
5 RESPONSIBILITY COVERING THE OPERATION OF A MOTOR VEHICLE OWNED  
6 BY THE MINOR OR, IF THE MINOR IS NOT THE OWNER OF A MOTOR VEHICLE,  
7 COVERING THE OPERATION OF ANOTHER MOTOR VEHICLE; AND

8 (II) THE APPLICATION IS accompanied by an affidavit of liability  
9 signed by one parent or the guardian of ~~such~~ THE minor ~~except as~~  
10 otherwise provided in subsection (1) of this section UNLESS, UNDER  
11 SUBSECTION (1) OR (1.5) OF THIS SECTION, THE MINOR NEED NOT HAVE A  
12 RESPONSIBLE ADULT SIGN THE AFFIDAVIT OF LIABILITY.

13 (b) While ~~such~~ proof OF FINANCIAL RESPONSIBILITY is maintained,  
14 ~~such~~ THE parent, FOSTER PARENT, or guardian is not subject to the liability  
15 imposed under subsection (2) of this section. Nothing in this section  
16 requires a foster parent to sign an affidavit of liability for a foster child  
17 and nothing in this section precludes a foster parent from obtaining a  
18 named driver's exclusion on the foster parent's insurance policy.

19 **SECTION 3.** In Colorado Revised Statutes, 42-2-104, **amend**  
20 (4)(a) as follows:

21 **42-2-104. Licenses issued - denied.** (4) (a) The department shall  
22 not issue a driver's license, including, without limitation, a temporary  
23 driver's license ~~pursuant to~~ UNDER section 42-2-106 (2), to a person under  
24 eighteen years of age unless the person has:

25 (I) Applied for, been issued, and possessed an appropriate  
26 instruction permit for at least twelve months; AND

27 (II) Submitted a log or other written evidence on a standardized

1 form approved by the department that is signed by his or her parent or  
2 guardian or other responsible adult who signed the affidavit of liability or  
3 the instructor of a driver's education course approved by the department,  
4 certifying that the person has completed not less than fifty hours of actual  
5 driving experience, of which not less than ten hours shall have been  
6 completed while driving at night, WHICH FORM IS SIGNED BY:

7 (A) THE PERSON WHO SIGNED THE AFFIDAVIT OF LIABILITY;  
8 (B) THE INSTRUCTOR OF A DRIVER'S EDUCATION COURSE  
9 APPROVED BY THE DEPARTMENT; OR  
10 (C) ANY INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR  
11 OLDER, WHO HOLDS A VALID DRIVER'S LICENSE, AND WHO INSTRUCTED THE  
12 APPLICANT IF THE APPLICANT IS A FOSTER CHILD. [ ]

13 **SECTION 4.** In Colorado Revised Statutes, 42-2-106, **add (1)(h)**  
14 as follows:

15 **42-2-106. Instruction permits and temporary licenses.**  
16 (1) (h) NOTWITHSTANDING SUBSECTIONS (1)(b) TO (1)(d) OF THIS  
17 SECTION, A FOSTER CHILD TO OBTAIN AN INSTRUCTION PERMIT UNDER  
18 SUBSECTIONS (1)(b) TO (1)(d) OF THIS SECTION MAY DRIVE WITH ANY  
19 PERSON WHO:

20 (I) HOLDS A VALID DRIVER'S LICENSE;  
21 (II) IS AT LEAST TWENTY-ONE YEARS OF AGE; AND  
22 (III) OCCUPIES THE FRONT PASSENGER SEAT, IN CLOSE PROXIMITY  
23 TO THE FOSTER CHILD, FOR THE PURPOSES OF INSTRUCTION.

24 **SECTION 5.** In Colorado Revised Statutes, 43-2-145, **add (10)**  
25 as follows:

26 **43-2-145. Transportation legislation review - committee -**  
27 **repeal.** (10) (a) IN THE 2019 INTERIM BETWEEN THE FIRST REGULAR

1 SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND THE SECOND  
2 REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY, THE  
3 COMMITTEE SHALL EXAMINE BARRIERS TO FOSTER CHILDREN MEETING THE  
4 FIFTY-HOUR DRIVING REQUIREMENT WHILE HOLDING AN INSTRUCTION  
5 PERMIT AND TO FOSTER CHILDREN OBTAINING AUTOMOBILE LIABILITY  
6 INSURANCE. THE COMMITTEE MAY APPOINT A NUMBER OF ITS MEMBERS TO  
7 STUDY THE ISSUE AND MAKE RECOMMENDATIONS TO THE WHOLE  
8 COMMITTEE. THE COMMITTEE SHALL CONSULT WITH COUNTIES, SUBJECT  
9 MATTER EXPERTS, INTERESTED PERSONS, AND THE OFFICE OF THE CHILD'S  
10 REPRESENTATIVE. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL  
11 COOPERATE AND CONSULT WITH THE COMMITTEE.

12 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2020.

13 

14 **SECTION 6. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2020 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.