

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. 23-0110.01 Jery Payne x2157

**SENATE BILL 23-011**

---

**SENATE SPONSORSHIP**

**Winter F., Sullivan**

**HOUSE SPONSORSHIP**

**Boesenecker and Lindsay, Valdez**

---

**Senate Committees**

Transportation & Energy  
Finance  
Appropriations

**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 law.*

*Dashes through the words or numbers indicate deletions from existing law.*

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 ACTUAL COST TO PARTICIPATE IN:

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

4 (d) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL WHO PAID A  
5 QUALIFIED DRIVING INSTRUCTIONAL EXPENSE, OR THE INDIVIDUAL'S  
6 PARENT OR GUARDIAN IF THE INDIVIDUAL DOES NOT FILE A TAX RETURN  
7 FOR:

8 (I) THE INDIVIDUAL, IF A MINOR;

9 (II) A MINOR DEPENDENT OF THE INDIVIDUAL;

10 (III) A MINOR FOSTER CHILD OF THE INDIVIDUAL; OR

11 (IV) ANY MINOR MEMBER OF THE INDIVIDUAL'S IMMEDIATE

12 FAMILY.

27 (4) THE AMOUNT OF THE CREDIT THAT EXCEEDS THE QUALIFIED

1 INDIVIDUAL'S INCOME TAXES DUE IS REFUNDED TO THE QUALIFIED  
2 INDIVIDUAL.

3       

4 (5) THE CREDIT IS NOT CONSIDERED TO BE INCOME OR RESOURCES  
5 FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR THE PAYMENT OF  
6 PUBLIC ASSISTANCE BENEFITS OR MEDICAL ASSISTANCE BENEFITS  
7 AUTHORIZED UNDER STATE LAW OR FOR A PAYMENT MADE UNDER ANY  
8 OTHER PUBLICLY FUNDED PROGRAMS.

9 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2038.

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

12 **42-2-104. Licenses issued - denied.** (4) (a) The department shall  
13 not issue a driver's license, including a temporary driver's license under  
14 section 42-2-106(2) 42-2-106(5), to a person under eighteen years of age  
15 unless the person has:

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

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

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

27 (B) The instructor of a ~~driver's~~ DRIVER education course approved

1 by the department; or

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

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

8 (IV) RECEIVED A MINIMUM OF:

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

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

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

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

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

4                   **(5.5) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE,**  
5                   **INCLUDING A TEMPORARY DRIVER'S LICENSE UNDER SECTION 42-2-106(5),**  
6                   **TO A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND UNDER**  
7                   **TWENTY-ONE YEARS OF AGE UNLESS:**

8                   **(a) THE PERSON HAS BEEN ISSUED A DRIVER'S LICENSE FROM**  
9                   **ANOTHER JURISDICTION; OR**

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

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

16                   **42-2-106. Instruction permits and temporary licenses -**  
17                   **penalty.** (1) (a) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT  
18                   TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER AND UNDER  
19                   TWENTY-ONE YEARS OF AGE AND WHO:

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

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

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

27                   (I) HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER

1 EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT OR A  
2 FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS  
3 APPROVED BY THE DEPARTMENT; AND

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

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

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

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

19 (I) THE PERMIT IS IN THE HOLDER'S IMMEDIATE POSSESSION; AND  
20 (II) ONE OF THE FOLLOWING PERSONS WHO HOLDS A VALID  
21 DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM THE FRONT  
22 PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A MOTORCYCLE, IN CLOSE  
23 PROXIMITY TO WHERE THE PERMIT HOLDER IS DRIVING:

24 (A) THE MINOR'S PARENT OR STEPPARENT;  
25 (B) THE MINOR'S GRANDPARENT WITH POWER OF ATTORNEY;  
26 (C) THE GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY;  
27 (D) THE FOSTER PARENT WHO SIGNED THE AFFIDAVIT OF

1       LIABILITY;

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

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

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

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

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

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

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

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

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

25           (e) (I) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER  
26       OF ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE  
27       MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE

1 APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A  
2 COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE  
3 PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

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

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

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

24 (5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A  
25 TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE  
26 TO AN APPLICANT WHO IS NOT A FIRST-TIME APPLICANT IN COLORADO OR  
27 WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCCOMPANIED BY A

1 PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH  
2 SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A  
3 MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION  
4 OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR  
5 DRIVER'S LICENSE OR DRIVER'S LICENSE.

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

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

27 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A

1 TRAFFIC INFRACTION.

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

4 **42-2-107. Application for license or instruction permit -**  
5 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**  
6 **and tissue donation awareness fund - legislative declaration - rules -**  
7 **annual report - repeal.** (1) (a) (II) If an applicant is applying for an  
8 instruction permit, ~~or~~ driver's LICENSE, or minor driver's license for the  
9 first time in Colorado and the applicant otherwise meets the requirements  
10 for such license or permit, the applicant shall receive a temporary license,  
11 TEMPORARY MINOR DRIVER'S LICENSE, or instruction permit pursuant to  
12 section ~~42-2-106 (2)~~ 42-2-106 (5) until the department verifies all facts  
13 relative to ~~such~~ THE applicant's right to receive an instruction permit, ~~or~~  
14 minor driver's LICENSE, or driver's license, including the age, identity, and  
15 residency of the applicant.

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

18 **42-2-605. Criminal history of commercial driving instructors**  
19 **- rules.** (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT PROVIDE,  
20 AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A COMMERCIAL  
21 DRIVING INSTRUCTOR TO PROVIDE, \_\_ DRIVING INSTRUCTION TO A MINOR  
22 IF THE COMMERCIAL DRIVING INSTRUCTOR HAS BEEN, WITHIN THE LAST  
23 TWENTY YEARS, CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDERE  
24 TO:

25 (a) A CRIMINAL VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE  
26 6; ARTICLE 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

27 (b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY

1 RULE, PLACES A MINOR AT RISK OF SEXUAL MISCONDUCT OR VIOLENCE  
2 WHEN        WITH THE COMMERCIAL DRIVING INSTRUCTOR; OR  
3 (c) A CRIMINAL VIOLATION OF ARTICLE 2 OF TITLE 18, THE BASIS  
4 OF WHICH IS AN OFFENSE LISTED IN SUBSECTION (1)(a) OR (1)(b) OF THIS  
5 SECTION.

6 (2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR  
7 AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE        DRIVING  
8 INSTRUCTION TO A MINOR UNLESS THE COMMERCIAL DRIVING INSTRUCTOR  
9 HAS OBTAINED A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
10 IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION. THE  
11 COMMERCIAL DRIVING SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE  
12 NAME OF EACH COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO  
13 EMPLOY OR TO AUTHORIZE TO PROVIDE        DRIVING INSTRUCTION TO  
14 MINORS.

15 (b) A COMMERCIAL DRIVING SCHOOL SHALL REQUIRE EACH  
16 COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES        DRIVING  
17 INSTRUCTION TO MINORS TO SUBMIT A COMPLETE SET OF FINGERPRINTS TO  
18 A LOCAL LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY  
19 SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF  
20 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED  
21 CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF  
22 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL  
23 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A  
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO  
25 BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS TO THE  
26 COMMERCIAL DRIVING SCHOOL. A COMMERCIAL DRIVING SCHOOL MAY  
27 ACQUIRE A NAME-BASED JUDICIAL RECORD CHECK FOR A COMMERCIAL

1       DRIVING INSTRUCTOR WHO HAS TWICE SUBMITTED TO A  
2       FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
3       FINGERPRINTS ARE UNCLASSIFIABLE. THE COMMERCIAL DRIVING SCHOOL  
4       SHALL NOTIFY THE DEPARTMENT OF ANY CRIMINAL CONVICTION OR PLEA  
5       OF GUILTY OR NOLO CONTENDERE THAT DISQUALIFIES THE COMMERCIAL  
6       DRIVING INSTRUCTOR FROM PROVIDING INSTRUCTION IN ACCORDANCE  
7       WITH SUBSECTION (1) OF THIS SECTION. THE COMMERCIAL DRIVING  
8       INSTRUCTOR SHALL PAY THE COSTS ASSOCIATED WITH THE  
9       FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE  
10      COLORADO BUREAU OF INVESTIGATION.

11           **SECTION 6. Act subject to petition - effective date -**  
12       applicability. (1) This act takes effect July 1, 2024; except that, if a  
13       referendum petition is filed pursuant to section 1 (3) of article V of the  
14       state constitution against this act or an item, section, or part of this act  
15       within the ninety-day period after final adjournment of the general  
16       assembly, then the act, item, section, or part will not take effect unless  
17       approved by the people at the general election to be held in November  
18       2024 and, in such case, will take effect on the date of the official  
19       declaration of the vote thereon by the governor.

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