

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 23-0102.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Froelich and Rich, Boesenecker, Catlin, Huffman, Lindsay, Sullivan, Valdez A.

SENATE SPONSORSHIP

Bridges and Hisey, Winter

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REGISTRATION OF FLEET VEHICLES THAT ARE PART OF**
102 **RENTAL VEHICLE FLEETS.**

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. Current law provides that a license plate expires when the owner transfers or assigns the title or interest in the associated motor vehicle and that the owner cannot transfer such a license plate to another motor vehicle. The bill allows the operator of a rental vehicle fleet (fleet operator), if authorized by the department of revenue (DOR), to transfer license plates from one

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

fleet vehicle to another when the fleet operator transfers or assigns the owner's title or interest in the fleet vehicle from which the number plates are being transferred.

In addition, subject to current statutory requirements relating to the use of approved third-party providers, the DOR, to the extent feasible, is required to allow an owner of a rental vehicle fleet that is authorized to transfer license plates to maintain its own inventory of new number plates and to use a third-party provider to handle all or any portion of both its vehicle registration, lien, and titling needs and its number plate inventory ordering, management, and distribution needs. The DOR is also authorized to promulgate rules or establish guidelines to specify or clarify the requirements that an owner of a rental vehicle fleet must meet to apply for, obtain, and maintain authorization to transfer license plates.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-115, **amend as**
3 **it will become effective January 1, 2023,** (5)(a); and **add** (5)(d) as
4 follows:

5 **42-3-115. Registration upon transfer - rules - definitions.**

6 (5) (a) Except as otherwise provided in subsections ~~(5)(b) and (5)(c)~~
7 (5)(b), (5)(c), AND (5)(d) of this section, on and after January 1, 2022,
8 whenever the owner of a motor vehicle that is Class C personal property,
9 as defined in section 42-3-106 (2)(c), transfers or assigns the owner's title
10 or interest, the number plates issued to the owner for the vehicle expire
11 and shall not be transferred by the department to any other motor vehicle.

12 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION,
13 whenever the owner of a motor vehicle that is Class B personal property,
14 as defined in section 42-3-106 (2)(b), Class D personal property, as
15 defined in section 42-3-106 (2)(d), or Class F personal property, as
16 defined in section 42-3-106 (2)(e), transfers or assigns the owner's title or
17 interest, the number plates issued to the owner for the vehicle expire and
18 shall not be transferred by the department to any other motor vehicle. An

1 owner of a motor vehicle whose number plates expire due to the operation
2 of this subsection (5)(a) who wishes to retain the same combination of
3 letters or numbers displayed on the expired license plates retains the
4 priority right to use the combination and may, after surrendering the
5 expired plates to the department, apply for personalized license plates
6 with the combination in the manner specified in section 42-3-211 when
7 registering another motor vehicle.

8 (d) (I) SUBSECTION (5)(a) OF THIS SECTION DOES NOT APPLY TO
9 NUMBER PLATES ISSUED TO A FLEET OPERATOR THAT ARE EASILY LEGIBLE
10 AND IN GOOD CONDITION IF THE DEPARTMENT PROVIDES WRITTEN
11 BLANKET AUTHORIZATION TO THE FLEET OPERATOR TO TRANSFER THE
12 NUMBER PLATES FROM ONE FLEET VEHICLE TO ANOTHER WHEN THE FLEET
13 OPERATOR TRANSFERS OR ASSIGNS THE OWNER'S TITLE OR INTEREST IN THE
14 FLEET VEHICLE FROM WHICH THE NUMBER PLATES ARE BEING
15 TRANSFERRED. SUBJECT TO THE REQUIREMENTS RELATING TO THE USE OF
16 APPROVED THIRD-PARTY PROVIDERS SET FORTH IN SECTION 42-1-234, THE
17 DEPARTMENT SHALL ALLOW A FLEET OPERATOR THAT IS AUTHORIZED TO
18 TRANSFER NUMBER PLATES PURSUANT TO THIS SUBSECTION (5)(d) TO
19 MAINTAIN ITS OWN INVENTORY OF NEW NUMBER PLATES AND TO USE A
20 THIRD-PARTY PROVIDER TO HANDLE ALL OR ANY PORTION OF BOTH ITS
21 VEHICLE REGISTRATION, LIEN, AND TITLING NEEDS AND ITS NUMBER PLATE
22 INVENTORY ORDERING, MANAGEMENT, AND DISTRIBUTION NEEDS.

23 (II) THE DEPARTMENT MAY PROMULGATE RULES OR ESTABLISH
24 GUIDELINES TO SPECIFY OR CLARIFY THE REQUIREMENTS THAT A FLEET
25 OPERATOR MUST MEET TO APPLY FOR, OBTAIN, AND MAINTAIN
26 AUTHORIZATION TO TRANSFER NUMBER PLATES AS AUTHORIZED BY THIS
27 SUBSECTION (5)(d) AND TO PROVIDE OVERSIGHT AND AUDITING

1 REQUIREMENTS RELATING TO THE USE OF APPROVED THIRD-PARTY
2 PROVIDERS BY FLEET OPERATORS.

3 (III) AS USED IN THIS SUBSECTION (5)(d):

4 (A) "FLEET OPERATOR" MEANS A FLEET OPERATOR, AS DEFINED IN
5 SECTION 42-1-102 (35), WHO OWNS OR LEASES A FLEET OF AT LEAST
6 TWENTY-FIVE FLEET VEHICLES, WHOSE PRIMARY BUSINESS IS THE RENTAL
7 OF SUCH FLEET VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS,
8 INCLUDING RENEWALS, TO ANOTHER PERSON, AND WHO IS ELIGIBLE TO PAY
9 SPECIFIC OWNERSHIP TAX FOR SUCH FLEET VEHICLES IN THE MANNER
10 SPECIFIED IN SECTION 42-3-107 (11).

11 (B) "FLEET VEHICLE" MEANS A FLEET VEHICLE, AS DEFINED IN
12 SECTION 42-1-102 (36), THAT IS CLASS B PERSONAL PROPERTY, AS
13 DEFINED IN SECTION 42-3-106 (2)(b), OR CLASS C PERSONAL PROPERTY,
14 AS DEFINED IN SECTION 42-3-106 (2)(c), AND THAT IS PRIMARILY USED BY
15 A FLEET OPERATOR FOR RENTAL FOR PERIODS OF LESS THAN FORTY-FIVE
16 DAYS, INCLUDING RENEWALS, TO ANOTHER PERSON.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2024 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 23-0107.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Huffman and Rich, Lindsay

SENATE SPONSORSHIP

Bridges, Winter

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT MOTOR VEHICLE DRIVERS TAKE**
102 **CERTAIN ACTIONS TO MITIGATE THE RISK THEIR VEHICLES**
103 **PRESENT TO STATIONARY VEHICLES ON THE ROAD.**

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. Current law requires a motor vehicle driver to move to one lane apart from a stationary vehicle when:

- 2 lanes move in the same direction;
- The driver is able to move to the lane apart; and

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- One of the following vehicles is stationary on the road:
 - An authorized emergency vehicle;
 - A stationary towing carrier vehicle;
 - A stationary public utility service vehicle; or
 - A vehicle to which chains are being applied.

If a person cannot move to be one lane apart from the stationary vehicle, the person must slow down and drive at a safe speed.

The bill adds the same requirement for stationary motor vehicles that are displaying flashing hazard lights or warning lights and clarifies that the law applies to public utility service vehicles operated by the public utility or by an authorized contractor of the public utility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-705, **amend**
 3 (2)(a) introductory portion, (2)(a)(II), (2)(a)(III), (2)(b), (2)(c)(I), and
 4 (2.6); and **add** (2)(a)(IV) as follows:

5 **42-4-705. Operation of vehicle approached by emergency**
 6 **vehicle - operation of vehicle approaching stationary emergency**
 7 **vehicle, stationary towing carrier vehicle, or stationary public utility**
 8 **service vehicle.** (2) (a) A driver in a MOTOR vehicle shall exhibit due
 9 care and caution and proceed as described in subsections (2)(b) and (2)(c)
 10 of this section when approaching or passing:

11 (II) A stationary towing carrier vehicle that is giving a visual
 12 signal by means of flashing, rotating, or oscillating yellow lights; ~~or~~

13 (III) A stationary public utility service vehicle THAT IS OPERATED
 14 BY A PUBLIC UTILITY, AS DEFINED IN SECTION 39-4-101 OR 40-1-103, OR
 15 AN AUTHORIZED CONTRACTOR OF THE PUBLIC UTILITY AND that is giving
 16 a visual signal by means of flashing, rotating, or oscillating amber lights;
 17 OR

18 (IV) A STATIONARY MOTOR VEHICLE GIVING A HAZARD SIGNAL BY
 19 DISPLAYING ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING

1 LIGHTS.

2 (b) On a highway with at least two adjacent lanes proceeding in
3 the same direction on the same side of the highway where a stationary
4 ~~authorized emergency vehicle, stationary towing carrier vehicle, or~~
5 ~~stationary public utility service~~ vehicle DESCRIBED IN SUBSECTION (2)(a)
6 OF THIS SECTION is located, the driver of an approaching or passing
7 vehicle shall proceed with due care and caution and yield the right-of-way
8 by moving into a lane at least one moving lane apart from the stationary
9 ~~authorized emergency vehicle, stationary towing carrier vehicle, or~~
10 ~~stationary public utility service~~ vehicle DESCRIBED IN SUBSECTION (2)(a)
11 OF THIS SECTION unless directed otherwise by a peace officer or other
12 authorized emergency personnel. If movement to an adjacent moving lane
13 is not possible due to weather, road conditions, or the immediate presence
14 of vehicular or pedestrian traffic, the driver of the approaching MOTOR
15 vehicle shall proceed in the manner described in subsection (2)(c) of this
16 section.

17 (c) (I) On a highway that does not have at least two adjacent lanes
18 proceeding in the same direction on the same side of the highway where
19 a stationary ~~authorized emergency vehicle, stationary towing carrier~~
20 ~~vehicle, or stationary public utility service~~ vehicle DESCRIBED IN
21 SUBSECTION (2)(a) OF THIS SECTION is located, or if movement by the
22 driver of the approaching MOTOR vehicle into an adjacent moving lane,
23 as described in subsection (2)(b) of this section, is not possible, the driver
24 of an approaching MOTOR vehicle shall reduce and maintain a safe speed
25 with regard to the location of the stationary ~~authorized emergency~~
26 ~~vehicle, stationary towing carrier vehicle, or stationary public utility~~
27 ~~service~~ vehicle DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION;

1 weather conditions; road conditions; and vehicular or pedestrian traffic
2 and proceed with due care and caution, or as directed by a peace officer
3 or other authorized emergency personnel.

4 (2.6) ~~(a)~~ A driver in a vehicle that is approaching or passing a
5 motor vehicle where the tires are being equipped with chains on the side
6 of the highway shall exhibit due care and caution and proceed as
7 described in ~~paragraphs (b) and (c) of this subsection (2.6)~~ SUBSECTION
8 (2) OF THIS SECTION. THE DRIVER OF A MOTOR VEHICLE THAT IS BEING
9 EQUIPPED WITH CHAINS SHALL GIVE A HAZARD SIGNAL BY DISPLAYING
10 ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING LIGHTS.

11 ~~(b) On a highway with at least two adjacent lanes proceeding in~~
12 ~~the same direction on the same side of the highway where chains are~~
13 ~~being applied to the tires of a motor vehicle, the driver of an approaching~~
14 ~~or passing vehicle shall proceed with due care and caution and yield the~~
15 ~~right-of-way by moving into a lane at least one moving lane apart from~~
16 ~~the vehicle, unless directed otherwise by a peace officer or other~~
17 ~~authorized emergency personnel. If movement to an adjacent moving lane~~
18 ~~is not possible due to weather, road conditions, or the immediate presence~~
19 ~~of vehicular or pedestrian traffic, the driver of the approaching vehicle~~
20 ~~shall proceed in the manner described in paragraph (c) of this subsection~~
21 ~~(2.6).~~

22 ~~(c) On a highway that does not have at least two adjacent lanes~~
23 ~~proceeding in the same direction on the same side of the highway where~~
24 ~~chains are being applied to the tires of a motor vehicle, or if movement~~
25 ~~by the driver of the approaching vehicle into an adjacent moving lane, as~~
26 ~~described in paragraph (b) of this subsection (2.6), is not possible, the~~
27 ~~driver of an approaching vehicle shall reduce and maintain a safe speed~~

1 ~~with regard to the location of the motor vehicle where chains are being~~
2 ~~applied to the tires, weather conditions, road conditions, and vehicular or~~
3 ~~pedestrian traffic, and shall proceed with due care and caution, or as~~
4 ~~directed by a peace officer or other authorized emergency personnel.~~

5 **SECTION 2. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly; except that, if a referendum petition is filed pursuant
9 to section 1 (3) of article V of the state constitution against this act or an
10 item, section, or part of this act within such period, then the act, item,
11 section, or part will not take effect unless approved by the people at the
12 general election to be held in November 2024 and, in such case, will take
13 effect on the date of the official declaration of the vote thereon by the
14 governor.

15 (2) This act applies to offenses committed on or after the
16 applicable effective date of this act.

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

BILL C

LLS NO. 23-0108.01 Yelana Love x2295

HOUSE BILL

HOUSE SPONSORSHIP

Boesenecker, Huffman, Lindsay, Sullivan

SENATE SPONSORSHIP

Winter,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING YIELDING TO LARGER VEHICLES IN ROUNDABOUTS.**

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/>.)

The bill requires a driver to yield the right-of-way to a driver of a vehicle having a total length of at least 40 feet or a total width of at least 10 feet (large vehicle) when driving through a roundabout. The bill also requires that when 2 drivers of large vehicles approach or drive through a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left.

A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge.

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Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-4-715 as
3 follows:

4 **42-4-715. Yielding right-of-way in roundabouts - definition.**

5 (1) AS USED IN THIS SECTION, "ROUNDBOUT" MEANS A CIRCULAR
6 INTERSECTION OR JUNCTION IN WHICH ROAD TRAFFIC FLOWS ALMOST
7 CONTINUOUSLY IN ONE DIRECTION AROUND A CENTRAL ISLAND.

8 (2) (a) WHEN APPROACHING OR DRIVING THROUGH A
9 ROUNDBOUT, A PERSON DRIVING A VEHICLE SHALL:

10 (I) YIELD THE RIGHT-OF-WAY TO THE DRIVER OF A VEHICLE WITH
11 A TOTAL LENGTH OF FORTY FEET OR GREATER OR A TOTAL WIDTH OF TEN
12 FEET OR GREATER THAT IS DRIVING THROUGH THE ROUNDBOUT AT THE
13 SAME TIME OR SO CLOSELY AS TO PRESENT AN IMMEDIATE HAZARD; AND

14 (II) SLOW DOWN OR STOP IF NECESSARY TO YIELD TO THE OTHER
15 VEHICLE AS REQUIRED BY SUBSECTION (2)(a)(I) OF THIS SECTION.

16 (b) THIS SUBSECTION (2) DOES NOT REQUIRE A PERSON WHO IS
17 DRIVING A VEHICLE THROUGH A ROUNDBOUT TO YIELD THE
18 RIGHT-OF-WAY TO THE DRIVER OF A VEHICLE WITH A TOTAL LENGTH OF
19 FORTY FEET OR GREATER OR A TOTAL WIDTH OF TEN FEET OR GREATER
20 THAT IS APPROACHING, BUT HAS NOT YET ENTERED, THE ROUNDBOUT.

21 (3) IF TWO VEHICLES EACH HAVING A TOTAL LENGTH OF FORTY
22 FEET OR GREATER OR A TOTAL WIDTH OF TEN FEET OR GREATER APPROACH
23 OR DRIVE THROUGH A ROUNDBOUT AT THE SAME TIME OR SO CLOSELY AS
24 TO PRESENT AN IMMEDIATE HAZARD, THE DRIVER ON THE RIGHT SHALL
25 YIELD THE RIGHT-OF-WAY TO THE DRIVER ON THE LEFT AND SHALL SLOW
26 DOWN OR STOP IF NECESSARY TO YIELD TO THE DRIVER ON THE LEFT.

1 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A
2 TRAFFIC INFRACTION.

3 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
4 (4)(a)(I)(H) as follows:

5 **42-4-1701. Traffic offenses and infractions classified -**
6 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
7 as provided in subsection (5)(c) of this section, every person who is
8 convicted of, who admits liability for, or against whom a judgment is
9 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
10 of this section applies shall be fined or penalized and have a surcharge
11 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
12 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
13 in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty
14 or surcharge is specified in the schedule, the penalty for class A and class
15 B traffic infractions is fifteen dollars, and the surcharge is four dollars.
16 These penalties and surcharges apply whether the defendant
17 acknowledges the defendant's guilt or liability in accordance with the
18 procedure set forth by subsection (5)(a) of this section, is found guilty by
19 a court of competent jurisdiction, or has judgment entered against the
20 defendant by a county court magistrate. Penalties and surcharges for
21 violating specific sections are as follows:

22	Section Violated	Penalty	Surcharge
23	(H) Rights-of-way violations:		
24	42-4-701	\$ 70.00	\$ 10.00
25	42-4-702	70.00	10.00
26	42-4-703	70.00	10.00
27	42-4-704	70.00	10.00

1	42-4-705	70.00	16.00
2	42-4-706	70.00	10.00
3	42-4-707	70.00	10.00
4	42-4-708	35.00	10.00
5	42-4-709	70.00	10.00
6	42-4-710	70.00	10.00
7	42-4-711	100.00	10.00
8	42-4-712	70.00	10.00
9	42-4-714	70.00	10.00
10	42-4-715	70.00	11.00

11 **SECTION 3. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect October 1, 2023; 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 offenses committed on or after the
21 applicable effective date of this act.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 23-0110.01 Jery Payne x2157

SENATE BILL

SENATE SPONSORSHIP

Winter,

HOUSE SPONSORSHIP

Boesenecker and Lindsay, Sullivan, Valdez A.

Senate Committees

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

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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 ACCOMPANIED 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 ACCOMPANIED 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.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 23-0111.01 Brita Darling x2241

SENATE BILL

SENATE SPONSORSHIP

Winter,

HOUSE SPONSORSHIP

Catlin and Froelich, Boesenecker, Huffman, Lindsay

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF SAFETY REQUIREMENTS FOR**
102 **INTRASTATE MOTOR VEHICLE CARRIERS.**

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. The bill changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

The bill also authorizes the department of revenue to cancel or

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.

deny registration of a commercial motor carrier that fails to cooperate with the completion of a safety compliance review within 30 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-235, **amend**
3 (2)(a), (2)(c), and (2)(d)(I) as follows:

4 **42-4-235. Minimum standards for commercial vehicles - motor**
5 **carrier safety fund - created - definitions - rules - penalties.** (2) (a) ~~No~~
6 A person shall NOT operate a commercial vehicle as defined in subsection
7 (1) of this section on any public highway of this state unless ~~such~~ THE
8 vehicle is in compliance with the rules adopted by the chief of the
9 Colorado state patrol pursuant to subsection (4) of this section. ~~Any~~ A
10 person ~~who~~ THAT violates the rules, including any intrastate motor carrier,
11 ~~shall be~~ IS subject to the civil penalties authorized pursuant to 49 CFR
12 ~~part 386, subpart G. as such subpart existed on October 1, 2001.~~ Persons
13 ~~who utilize~~ A PERSON THAT USES an independent contractor ~~shall not be~~
14 IS NOT liable for penalties imposed on the independent contractor for
15 equipment, acts, and omissions within the independent contractor's
16 control or supervision. ~~All~~ A STATE AGENCY OR COURT COLLECTING civil
17 penalties ~~collected pursuant to this article by a state agency or by a court~~
18 ~~shall be transmitted~~ ARTICLE 4 SHALL TRANSMIT THE CIVIL PENALTIES to
19 the state treasurer, who shall credit them to the highway users tax fund
20 created in section 43-4-201, ~~C.R.S.~~, for allocation and expenditure as
21 specified in section 43-4-205 (5.5)(a). ~~C.R.S.~~

22 (c) The Colorado state patrol ~~shall have~~ HAS exclusive
23 enforcement authority to conduct ~~safety~~ compliance reviews, as defined
24 in 49 CFR 385.3, ~~as such section existed on October 1, 2001,~~ and to
25 impose civil penalties pursuant to ~~such~~ THE reviews. ~~Nothing in this~~

1 ~~paragraph (c) shall~~ THIS SUBSECTION (3)(c) DOES NOT expand or limit the
2 ability of local governments to conduct roadside safety inspections.

3 (d) (I) Upon notice from the Colorado state patrol, the department
4 shall, pursuant to section 42-3-120, cancel the registration of a motor
5 carrier ~~who~~ THAT:

6 (A) Fails to pay in full a civil penalty imposed pursuant to this
7 subsection (2) within thirty days after notification of the penalty; OR

8 (B) FAILS TO COOPERATE WITH THE COMPLETION OF A
9 COMPLIANCE REVIEW WITHIN THIRTY DAYS AFTER NOTIFICATION OF THE
10 FAILURE TO COOPERATE.

11 **SECTION 2.** In Colorado Revised Statutes, 42-3-120, **amend**
12 (3)(a) as follows:

13 **42-3-120. Department may cancel or deny registration.**

14 (3) (a) Upon receiving written notice from the Colorado state patrol that
15 a motor carrier has failed to timely pay civil penalties imposed in
16 accordance with section 42-4-235 (2) OR HAS FAILED TO COOPERATE WITH
17 THE COMPLETION OF A SAFETY COMPLIANCE REVIEW PURSUANT TO
18 SECTION 42-4-235 (2)(c), the department shall:

19 (I) Cancel the registration of any vehicle that is owned by the
20 carrier; and ~~shall~~

21 (II) Deny the registration of any vehicle that is owned by the
22 carrier until the department receives notice from the Colorado state patrol
23 that the penalty has been paid in full OR THAT THE CARRIER HAS
24 COOPERATED WITH THE COMPLETION OF THE SAFETY COMPLIANCE REVIEW,
25 AS APPLICABLE.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect October 1, 2023; except that, if a referendum petition is filed

1 pursuant to section 1 (3) of article V of the state constitution against this
2 act or an item, section, or part of this act within the ninety-day period
3 after final adjournment of the general assembly, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2024 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.