

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0551.01 Chuck Brackney x2295

SENATE BILL 12-039

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ATTESTATION OF A MINOR THAT THE MINOR HAS
102 NOT USED ILLEGAL DRUGS OR ALCOHOL DURING THE PREVIOUS
103 YEAR AS A CONDITION OF GETTING AN INSTRUCTION PERMIT OR
104 MINOR DRIVER'S LICENSE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires an applicant for an instruction permit or a minor driver's license to sign a statement that the applicant has not used illegal

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

drugs or alcohol during the previous year.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-108, **amend** (1)

3 (a) as follows:

4 **42-2-108. Application of minors.** (1) (a) (I) The application of
5 any A person under eighteen years of age for an instruction permit or
6 minor driver's license shall be accompanied by an affidavit of liability
7 signed and verified by the parent, stepparent, grandparent with power of
8 attorney, guardian, spouse of the applicant if the spouse is eighteen years
9 of age or older, or, in the event there is no such person, guardian, or
10 spouse, any other responsible adult who is willing to assume the
11 obligation imposed under this article upon an adult signing the affidavit
12 of liability for a minor. When an applicant has been made a ward of any
13 court in the state for any reason and has been placed in a foster home, the
14 foster parents or parent may sign the affidavit of liability for the minor.
15 If the parent or foster parent is unwilling or unable to sign the affidavit of
16 liability, a guardian ad litem, a designated official of the county
17 department of social services having custody of the applicant, or a
18 designated official of the division of youth corrections in the department
19 of human services having custody of the applicant may sign the
20 application for an instruction permit without signing the affidavit of
21 liability for the minor if the requirements of paragraph (b) of this
22 subsection (1) are met; except that, ~~prior to~~ BEFORE signing the
23 application for an instruction permit, the guardian ad litem or other
24 designated official shall notify the court of his or her intent to sign the
25 application, and except that, the guardian ad litem or designated official

1 shall not sign the application for an instruction permit for a minor who is
2 placed in a foster care home and is under seventeen and one-half years of
3 age without first obtaining the consent of the foster parent. If the minor
4 is seventeen and one-half years of age or older and is in the care of a
5 foster parent, in order to prepare the minor for emancipation from foster
6 care and to assist the minor in obtaining important life skills, the guardian
7 ad litem or designated official shall consult with the foster parent of the
8 minor about the opportunity for the minor to learn driving skills under the
9 restrictions provided in paragraph (b) of this subsection (1) ~~prior to~~
10 BEFORE signing an application for an instruction permit. The guardian ad
11 litem or designated official shall solicit the opinion of the minor's foster
12 parent concerning the minor's ability to exercise good judgment and make
13 decisions as well as the minor's overall capacity to drive. When a minor
14 to whom an instruction permit or minor driver's license has been issued
15 is required to appear before the department for a hearing pursuant to ~~any~~
16 ~~provision~~ of this article, the minor shall be accompanied by the person
17 who signed the affidavit of liability for the minor or by the guardian ad
18 litem or designated official who signed the application for an instruction
19 permit for the minor. If the person who signed the minor's affidavit of
20 liability or application for an instruction permit is unable to attend the
21 hearing, he or she shall submit to the department a verified signed
22 statement certifying under oath that he or she is aware of the purpose of
23 the hearing but cannot attend.

24 (II) THE APPLICATION OF ANY PERSON UNDER EIGHTEEN YEARS OF
25 AGE FOR AN INSTRUCTION PERMIT OR A MINOR DRIVER'S LICENSE MUST BE
26 ACCOMPANIED BY AN AFFIDAVIT VERIFYING THAT THE APPLICANT HAS NOT
27 USED ILLEGAL DRUGS OR ALCOHOL DURING THE PREVIOUS YEAR. THIS

1 AFFIDAVIT MUST BE SIGNED BY THE APPLICANT AND ALSO BY A PARENT,
2 STEPPARENT, GRANDPARENT WITH POWER OF ATTORNEY, GUARDIAN, OR
3 SPOUSE OF THE APPLICANT IF THE SPOUSE IS EIGHTEEN YEARS OF AGE OR
4 OLDER, OR, IF THERE IS NO SUCH PERSON, GUARDIAN, OR SPOUSE, ANY
5 OTHER RESPONSIBLE ADULT WHO IS WILLING TO VERIFY THE APPLICANT'S
6 STATEMENT. WHEN AN APPLICANT HAS BEEN MADE A WARD OF ANY
7 COURT IN THE STATE FOR ANY REASON AND HAS BEEN PLACED IN A FOSTER
8 HOME, THE FOSTER PARENTS OR PARENT MAY SIGN THE AFFIDAVIT FOR THE
9 MINOR. IF THE PARENT OR FOSTER PARENT IS UNWILLING OR UNABLE TO
10 SIGN THE AFFIDAVIT, A GUARDIAN AD LITEM, A DESIGNATED OFFICIAL OF
11 THE COUNTY DEPARTMENT OF SOCIAL SERVICES HAVING CUSTODY OF THE
12 APPLICANT, OR A DESIGNATED OFFICIAL OF THE DIVISION OF YOUTH
13 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES HAVING CUSTODY
14 OF THE APPLICANT MAY SIGN THE AFFIDAVIT IF THE REQUIREMENTS OF
15 PARAGRAPH (b) OF THIS SUBSECTION (1) ARE MET. FOR THE PURPOSES OF
16 THIS SUBPARAGRAPH (II), "DRUGS" DOES NOT INCLUDE ANY MEDICATIONS
17 TAKEN BY THE APPLICANT PURSUANT TO A PRESCRIPTION ISSUED BY A
18 PHYSICIAN, PHYSICIAN'S ASSISTANT, DENTIST, OR OTHER MEDICAL
19 PROFESSIONAL. THE DEPARTMENT SHALL MAKE THE AFFIDAVIT AVAILABLE
20 ONLINE. AN APPLICANT MUST SUBMIT A SIGNED AFFIDAVIT REGARDING
21 PAST DRUG AND ALCOHOL USE TO BE ELIGIBLE TO OBTAIN AN INSTRUCTION
22 PERMIT OR A MINOR DRIVER'S LICENSE.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.