

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

INTRODUCED

LLS NO. 17-0230.01 Jery Payne x2157

SENATE BILL 17-224

SENATE SPONSORSHIP

Kagan, Cooke, Gardner, Guzman, Holbert

HOUSE SPONSORSHIP

Lee, Foote, Herod, Willett, Wist

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED**
102 **TO COMMERCIAL DRIVING SCHOOLS FROM TITLE 12 OF THE**
103 **COLORADO REVISED STATUTES AS PART OF THE**
104 **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

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/>.)

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and

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.

occupations. To implement the initial recommendations of the study, **Section 1** of the bill relocates the statutes governing commercial driving schools to part 6 of article 2 of title 42. **Sections 2 and 3** update the citations of other statutes to harmonize with the new locations. **Section 4** repeals the moved statutes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 6 to article 2 of title 42 as follows:

4 PART 6

5 COMMERCIAL DRIVING SCHOOLS

6 **42-2-601. [Formerly 12-15-101] Definitions.** As used in this
7 ~~article~~ PART 6, unless the context otherwise requires:

8 ~~(1) "Clock hour" means a full hour consisting of sixty minutes.~~

9 ~~(2)~~ (1) "Commercial driving instructor" means an individual who
10 has been employed by a commercial driving school.

11 ~~(3)~~ (2) "Commercial driving school" means any business or any
12 person who, for compensation, provides or offers to provide instruction
13 in the operation of a motor vehicle, with the exceptions of secondary
14 schools and institutions of higher education offering programs approved
15 by the department of education and private occupational schools offering
16 programs approved by the private occupational school division. ~~Such~~ THE
17 term shall not include any motorcycle operator safety training program
18 established pursuant to section 43-5-502. ~~C.R.S.~~

19 ~~(4)~~ (3) "Department" means the department of revenue.

20 ~~(5) "Laboratory instruction" means an extension of classroom~~
21 ~~instruction which provides students with opportunities for traffic~~
22 ~~experiences under real and simulated conditions.~~

23 ~~(6) Repealed.~~

1 **42-2-602. [Formerly 12-15-114] Equipment of vehicles.**

2 (1) Every motor vehicle used by a commercial driving school in the
3 conduct of its course of driver training shall be equipped as follows:

4 (a) The vehicle shall be equipped as provided in article 4 of THIS
5 title 42. ~~C.R.S.~~

6 (b) The vehicle shall be equipped with dual controls on the foot
7 brake that will enable the commercial driving instructor to bring the car
8 under control in case of emergency.

9 (c) The vehicle shall have an outside rear vision mirror on the
10 commercial driving instructor's side of the vehicle.

11 (d) The vehicle shall be equipped with four-way emergency
12 flashers.

13 ~~(e) (Deleted by amendment, L. 2003, p. 862, § 2, effective August~~
14 ~~6, 2003.)~~

15 ~~(f)~~ (e) The vehicle shall be equipped with seat belts for the
16 operator of the vehicle and for the commercial driving instructor.

17 **42-2-603. [Formerly 12-15-116] Rules.** (1) The department is
18 authorized to promulgate ~~such rules and regulations~~ AS necessary to carry
19 out the provisions of this ~~article~~ PART 6.

20 (2) Specifically, the department shall have power to adopt rules
21 ~~and regulations~~ upon the following matters:

22 (a) Prescribe the content of courses of instruction;

23 (b) Prescribe the type of equipment to be used in said courses of
24 instruction;

25 (c) Prescribe records to be kept by a commercial driving school;

26 (d) Prescribe the form of contracts and agreements used by
27 commercial driving schools.

1 (3) In adopting ~~such~~ THE rules, ~~and regulations~~ the department
2 shall use the guidelines concerning commercial driving schools
3 promulgated by the United States department of transportation.

4 (4) Rules ~~and regulations~~ adopted pursuant to this section shall be
5 adopted in accordance with section 24-4-103. ~~C.R.S.~~

6 **42-2-604. [Formerly 12-15-120] Violations - penalty.** Any
7 person who violates any of the provisions of this ~~article~~ PART 6 is guilty
8 of a misdemeanor and, upon conviction thereof, shall be punished by a
9 fine of not more than five hundred dollars, or by imprisonment in the
10 county jail for not more than thirty days, or by both ~~such~~ fine and
11 imprisonment.

12 **SECTION 2.** In Colorado Revised Statutes, 10-4-632, **amend** (2),
13 (3), and (6)(a)(I) as follows:

14 **10-4-632. Reduction in rates for drivers aged fifty-five years**
15 **or older who complete driver's education course - legislative**
16 **declaration.** (2) All rates, rating schedules, and rating manuals for
17 liability and collision coverages of a motor vehicle insurance policy
18 submitted to or filed with the commissioner under this part 6 shall provide
19 for an appropriate reduction in premium charges based on justifiable data
20 when the vehicle is a covered vehicle and when the principal operator is
21 fifty-five years of age or older and has successfully completed a driver's
22 education course taught by a driving school regulated pursuant to ~~article~~
23 ~~15 of title 12, C.R.S.~~, PART 6 OF ARTICLE 2 OF TITLE 42 or by a nonprofit
24 corporation subject to articles 121 to 137 of title 7, ~~C.R.S.~~, if such course
25 has been preapproved by the department of revenue. Any discount used
26 by an insurer shall be presumed appropriate unless credible data
27 demonstrates otherwise. Insurers shall provide the commissioner with

1 data reflecting the claims experience of drivers who have received
2 reductions in premium charges compared with the claims experience of
3 drivers who have not received such reductions.

4 (3) Each person who successfully completes a driver's education
5 course taught by a commercial driving school regulated pursuant to ~~article~~
6 ~~15 of title 12, C.R.S.,~~ PART 6 OF ARTICLE 2 OF TITLE 42 shall be issued a
7 certificate by the commercial driving school offering the course, which
8 certificate shall be evidence of qualification for the premium discount
9 required by this section.

10 (6) An insured may renew qualification for the discount provided
11 by this section by:

12 (a) (I) Retaking a driver's education course taught by a
13 commercial driving school regulated pursuant to ~~article 15 of title 12,~~
14 ~~C.R.S.~~ PART 6 OF ARTICLE 2 OF TITLE 42; or

15 **SECTION 3.** In Colorado Revised Statutes, 24-35-101, **amend**
16 (1)(c) as follows:

17 **24-35-101. Functions of department of revenue.** (1) There is
18 hereby created the department of revenue, the functions of which are the
19 collection of the following:

20 (c) Taxes levied and the license fees imposed by the provisions of
21 part 1 of article 6 ~~and article 15~~ of title 12, title 42, and part 2 of article
22 5 of title 43, ~~C.R.S.,~~ and the administration and enforcement of said
23 provisions;

24 **SECTION 4. Repeal of relocated provisions in this act.** In
25 Colorado Revised Statutes, **repeal** article 15 of title 12.

26 **SECTION 5. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.