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NEW DRIVING LAWS FOR MINOR DRIVERS

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In 1999, Colorado became the 32nd state to adopt a graduated driver's licensing law (GDL). The GDL is designed to give minor drivers more experience behind the wheel before they can drive without restrictions. This issue brief summarizes new measures enacted by the legislature in 2005 to address minor drivers: passenger restrictions, a change to an existing curfew, and cell phone usage while driving. These changes became effective on July 1, 2005.

Restrictions for Drivers Under the Age of 18 Years

Passengers. Senate Bill 05-036 creates new provisions prohibiting any driver under the age of 18 who has held a minor driver's license less than six months from transporting any passenger who is under 21 years of age. A minor driver who has held a license for at least six months but less than one year is prohibited from transporting more than one person under 21 years of age. The law allows exceptions to the passenger restrictions when:

- the minor's parent, legal guardian, or other responsible adult who has legally signed an affidavit of liability is in the vehicle;
- an adult who has held a valid driver's license for at least one year is in the vehicle;
- a passenger who is under the age of 21 is in the vehicle due to a medical emergency; or
- a passenger who is under the age of 21 is an immediate family member and wearing a seat belt.

Colorado law also has other passenger restrictions in place. A driver under the age of 17 cannot transport more than one passenger in the front seat of the vehicle, and the number of passengers in the back seat may not exceed the number of seat belts.

Curfew. Senate Bill 05-036 also changed the curfew restrictions for minor drivers. Effective July 1, 2005, all drivers under the age of 18 who have held a license for less than one year may not drive between midnight and 5 a.m. Prior to SB 05-036 all drivers under the age 17 years could not drive between midnight and 5 a.m. The current law allows exceptions to the curfew when:

- the minor's parent, legal guardian, or other responsible adult who has legally signed an affidavit of liability is in the vehicle;
- an adult who has held a valid driver's license for at least one year is in the vehicle;
- the minor is driving to school or to a school-authorized activity when the school does not provide adequate transportation. The driver must have a signed statement from the school indicating the date of the activity;
- the minor is driving to his or her job provided the minor has a signed verification of employment;
- the minor is driving due to a medical emergency; or
- the minor is emancipated.

Mobile communication devices. Cell phone use was also discussed during the 2005 legislative session. House Bill 05-1137 prohibits a person driving under an instruction permit to use a mobile communication device while driving a motor vehicle. Temporary instruction permits are issued to minors who are least 16 years of age, while minor's instruction permits are issued to minors who are 15 years of age and enrolled in a driver education course. Permit holders are permitted to use mobile communication devices to contact a public safety entity, while the vehicle is lawfully parked, or during an emergency. A violation of this law is a class A traffic infraction punishable by a fine of \$15 to \$100. It is considered a "secondary" offense, meaning that law enforcement officers are prohibited from citing a driver for using a cellular phone while driving unless the driver is stopped for another alleged violation. This law will become effective August 10, 2005.

Permits and driver's licenses. Legislation in 2004 created new age requirements for obtaining a driving permit and driver's licenses for drivers under 18 years old. The amount of time a minor driver is required to hold a driving permit was also increased from 6 months to 12 months. Table 1 summarizes the requirements for minor drivers to obtain a driver's license.

Drivers under the age of 18 must hold a permit for at least one year before applying for a driver's license. In addition, minor drivers must submit a log sheet signed by a parent or guardian or the instructor of a driver's education course certifying that they completed at least 50 hours of actual driving experience, of which 10 hours were at night. Grandparents with power of attorney are also allowed to sign the log sheet.

Senate Bill 05-047, enacted in 2005, gives a grandparent with a power of attorney more authority to act on behalf of a minor driver. Permit holders under the age of 16 may only drive with a driver education instructor or the person who signed the affidavit of liability. The affidavit of liability states that the parent, grandparent with power of attorney, or guardian agrees to take legal responsibility for a minor's actions as a driver. While holding a permit obtained by completing the driving awareness and education program, the driver may only drive with the person who signed the affidavit of liability. At the age of 16, the permit holder must be accompanied by a licensed driver who is at least 21 years of age and who is riding in the passenger seat.

Table 1: Obtaining a Driver's License

Age*	Description	Earliest Age Possible to Obtain Driver's License
15 to 15½	Driver education permit available to minors enrolled in a driver education course.	16 years. If driver education permit is obtained at 15¾ years, driver's license can be obtained at 16¾ years of age.
15½ to 16	Driver awareness permit available to minors who complete a driver awareness program.	16½ years. If driver awareness permit is obtained at 15¾ years, driver's license can be obtained at 16¾ years of age.
16 to 18	Minor instruction permit available to all individuals in age group.	17 years. If instruction permit is obtained at 16½ years, driver's license can be obtained at 17½ years of age.

*Age groups represent the earliest age individuals can participate in educational