Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

PREAMENDED

This Unofficial Version Includes Committee Amendments Not Yet Adopted on Second Reading

LLS NO. 04-0094.01 Julie Hoerner

HOUSE BILL 04-1034

HOUSE SPONSORSHIP

Welker, Berry, Borodkin, Larson, Pommer, Sinclair, Spence, and Stafford

SENATE SPONSORSHIP

Takis, Isgar, and May R.

House Committees	**Senate Committees**
Transportation & Energy	
Information & Technology	
Appropriations	

A BILL FOR AN ACT

101 **CONCERNING ELECTRONIC RENEWAL OF A DRIVER'S LICENSE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Allows a driver to renew his or her driver's license via the internet when the driver is at least 21 years of age but under 66 years of age and the driver has paid a fee and any outstanding fines or penalties. Allows the department of revenue to promulgate rules to implement internet renewals.

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

SECTION 1. 42-2-118 (1) (a) (I), Colorado Revised Statutes, is amended, and the said 42-2-118 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-2-118. Renewal of license in person, by mail, or by electronic means - donations to organ and tissue donation awareness fund - repeal. (1) (a) (I) Every license issued under section 42-2-114 shall be renewable prior to its expiration, upon application in person, ~~or~~ by mail as provided in subsection (1.3) of this section, OR BY ELECTRONIC MEANS AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, payment of the required fee, passing of an eye test, passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable, and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section. IF A PERSON RENEWS HIS OR HER LICENSE PURSUANT TO THIS SUBPARAGRAPH (I) BY ELECTRONIC MEANS, THE PERSON SHALL ATTEST THAT HE OR SHE HAS HAD AN EYE EXAMINATION BY ANY OPTOMETRIST OR AN OPHTHALMOLOGIST WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION.

(1.5) (a) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW RENEWAL OF A DRIVER'S LICENSE ISSUED UNDER SECTION 42-2-114 BY ELECTRONIC MEANS TO DRIVERS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER AND UNDER SIXTY-ONE YEARS OF AGE.

(b) PURSUANT TO SECTIONS 24-19.5-103 (3) AND 29-11.5-103 (3), C.R.S., THE DEPARTMENT SHALL NOT ALLOW ANY THIRD-PARTY CHARGES THAT MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION TO REDUCE THE AMOUNT OF REVENUE THAT WOULD OTHERWISE BE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY USERS TAX FUND.

(c) EVERY APPLICANT FOR RENEWAL OF A DRIVER'S LICENSE BY

ELECTRONIC MEANS SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT:

(I) PAYMENT OF THE REQUIRED FEE; AND

(II) PAYMENT OF ANY PENALTY ASSESSMENT, FINE, COST, OR FORFEITURE AS PRESCRIBED BY SUBSECTION (3) OF THIS SECTION.

(d) THE DEPARTMENT SHALL NOT ALLOW THE RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS UNTIL A STATEWIDE INTERNET PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY INFORMATION, PRODUCTS, AND SERVICES THROUGH THE WORLD-WIDE WEB HAS BEEN CREATED PURSUANT TO SECTION 24-37.5-105 (3) (b), C.R.S., AND HAS BEEN REVIEWED AND APPROVED BY THE COMMISSION ON INFORMATION MANAGEMENT WITHIN THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR, AND THE DEPARTMENT PROMULGATES RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5), INCLUDING RULES, IN COMPLIANCE WITH STANDARDS ESTABLISHED PURSUANT TO ARTICLE 37.5 OF TITLE 24, C.R.S., TO MINIMIZE TO THE GREATEST EXTENT POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND THE RISKS OF A DRIVER'S LICENSE BEING OBTAINED FRAUDULENTLY OR ISSUED TO THE IMPROPER PERSON.

(e) TO IMPLEMENT ELECTRONIC RENEWAL OF A DRIVER'S LICENSE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL:

(I) DEVELOP AND IMPLEMENT AN INFORMATION SECURITY PROGRAM AND UTILIZE A LAYERED SECURITY APPROACH WHICH SHALL CONSIST OF THE FOLLOWING:

(A) A BUSINESS IMPACT ANALYSIS THAT ASSESSES THE CRITICALITY OF SERVICES;

(B) A RISK OR SECURITY ASSESSMENT THAT IDENTIFIES

VULNERABILITIES OF THE SYSTEM;

(C) A RISK MANAGEMENT PROCESS;

(D) A CONTINGENCY PLAN FOR DISASTER RECOVERY OF INFORMATION AND SERVICES AND BUSINESS CONTINUITY;

(E) PROCEDURES THAT IDENTIFY SECURITY SAFEGUARDS FOR ASSET PROTECTION;

(F) A SECURE ARCHITECTURAL DESIGN;

(G) SECURITY AWARENESS AND TRAINING PROGRAMS; AND

(H) MONITORING AND AUDIT SYSTEMS FOR BACK-END REVIEWS TO EVALUATE EFFICIENCY AND EFFICACY;

(II) DEVELOP SECURITY POLICIES THAT ADDRESS, AT A MINIMUM, THE FOLLOWING:

(A) SYSTEM PROTECTION FROM VIRUSES AND SYSTEM VIRUS DETECTION;

(B) FIREWALL SECURITY;

(C) LOGGING CAPABILITY;

(D) SERVER SECURITY;

(E) INTRUSION DETECTION;

(F) ENCRYPTION;

(G) PHYSICAL SECURITY; AND

(H) SECURE REMOTE ACCESS COMMUNICATION, IF APPLICABLE; AND

(III) DEVELOP A MIGRATION PLAN THAT SETS OUT THE DEPARTMENT'S GOALS AND OBJECTIVES AND ESTABLISHES PRIORITIES AND THE DEPARTMENT'S TIME LINE FOR ACHIEVING SUCH REQUIREMENTS.

(f) FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (e) OF THIS SUBSECTION (1.5) MAY RESULT IN THE DEPARTMENT BEING

REMOVED FROM OR DENIED ACCESS TO THE STATE NETWORK OR MAINFRAME COMPUTER UNTIL ALL OF THE PROVISIONS OF PARAGRAPH (e) ARE DEMONSTRATED BY THE DEPARTMENT.

(g) ON OR BEFORE AUGUST 31, 2004, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON THE DEPARTMENT'S PROGRESS WITH THE STATEWIDE INTERNET PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY INFORMATION, INCLUDING RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5) AND MEASURES THE DEPARTMENT WILL IMPLEMENT TO MINIMIZE POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND FRAUD.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to drivers' licenses renewed on or after the applicable effective date of this act.