

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Transportation & Energy
Information & Technology
Appropriations

Senate Committees

Transportation

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:*

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.*

SENATE
3rd Reading Unamended
April 30, 2004

SENATE
Amended 2nd Reading
April 29, 2004

HOUSE
2nd Reading amended
April 15, 2004

HOUSE
Amended 2nd Reading
March 3, 2004

1 **SECTION 1.** 42-2-118 (1) (a) (I) and (1.3) (a) (II), Colorado
2 Revised Statutes, are amended, and the said 42-2-118 is further amended
3 BY THE ADDITION OF A NEW SUBSECTION, to read:

4 **42-2-118. Renewal of license in person, by mail, or by**
5 **electronic means - donations to organ and tissue donation awareness**
6 **fund - repeal.** (1) (a) (I) Every license issued under section 42-2-114
7 shall be renewable prior to its expiration, upon application in person, ~~or~~
8 by mail as provided in subsection (1.3) of this section, OR BY ELECTRONIC
9 MEANS AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, payment of the
10 required fee, passing of an eye test, passing of such other examinations
11 as the applicant's physical limitations or driver's record indicates to be
12 desirable, and payment of any penalty assessment, fine, cost, or forfeiture
13 as prescribed by subsection (3) of this section. IF A PERSON RENEWS HIS
14 OR HER LICENSE PURSUANT TO THIS SUBPARAGRAPH (I) BY ELECTRONIC
15 MEANS, THE PERSON SHALL ATTEST UNDER PENALTY OF PERJURY THAT HE
16 OR SHE HAS HAD AN EYE EXAMINATION BY ANY OPTOMETRIST OR AN
17 OPHTHALMOLOGIST WITHIN THREE YEARS BEFORE THE DATE OF
18 APPLICATION.

19 (1.3) (a) The department may, in its discretion, allow renewal of
20 a driver's license issued under section 42-2-114 by mail subject to the
21 following requirements:

22 (II) Renewal by mail OR ELECTRONICALLY shall only be available
23 every other driver's license renewal period as provided in section
24 42-2-114 (2) (a) and (3).

25 (1.5) (a) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW
26 RENEWAL OF A DRIVER'S LICENSE ISSUED UNDER SECTION 42-2-114 BY
27 ELECTRONIC MEANS TO DRIVERS AT LEAST TWENTY-ONE YEARS OF AGE OR

1 OLDER AND UNDER SIXTY-ONE YEARS OF AGE.

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

7 (c) EVERY APPLICANT FOR RENEWAL OF A DRIVER'S LICENSE BY
8 ELECTRONIC MEANS SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT:

9 (I) PAYMENT OF THE REQUIRED FEE; AND

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

12

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

15 (I) SUBMIT TO THE COMMISSION ON INFORMATION AND
16 TECHNOLOGY WITHIN THE OFFICE OF INNOVATION AND TECHNOLOGY
17 CREATED IN THE OFFICE OF THE GOVERNOR FOR THE COMMISSION'S REVIEW
18 AND APPROVAL THE DEPARTMENT'S PLAN FOR THE RENEWAL OF A DRIVER'S
19 LICENSE BY ELECTRONIC MEANS;

20 (II) DEVELOP AND IMPLEMENT ELECTRONIC RENEWAL OF A
21 DRIVER'S LICENSE IN MANNER THAT IS CONSISTENT WITH THE NATION'S
22 POLICY ON NATIONAL SECURITY AND IN CONFORMANCE WITH FEDERAL
23 AND STATE LAW FOR HOMELAND SECURITY;

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

27 (A) A BUSINESS IMPACT ANALYSIS THAT ASSESSES THE

1 CRITICALITY OF SERVICES;

2 (B) A RISK OR SECURITY ASSESSMENT THAT IDENTIFIES

3 VULNERABILITIES OF THE SYSTEM;

4 (C) A RISK MANAGEMENT PROCESS;

5 (D) A CONTINGENCY PLAN FOR DISASTER RECOVERY OF

6 INFORMATION AND SERVICES AND BUSINESS CONTINUITY;

7 (E) PROCEDURES THAT IDENTIFY SECURITY SAFEGUARDS FOR

8 ASSET PROTECTION;

9 (F) A SECURE ARCHITECTURAL DESIGN;

10 (G) SECURITY AWARENESS AND TRAINING PROGRAMS; AND

11 (H) MONITORING AND AUDIT SYSTEMS FOR BACK-END REVIEWS TO

12 EVALUATE EFFICIENCY AND EFFICACY;

13 (IV) DEVELOP SECURITY POLICIES THAT ADDRESS, AT A MINIMUM,

14 THE FOLLOWING:

15 (A) SYSTEM PROTECTION FROM VIRUSES AND SYSTEM VIRUS

16 DETECTION;

17 (B) FIREWALL SECURITY;

18 (C) LOGGING CAPABILITY;

19 (D) SERVER SECURITY;

20 (E) INTRUSION DETECTION;

21 (F) ENCRYPTION;

22 (G) PHYSICAL SECURITY; AND

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

24 AND

25 (V) DEVELOP A MIGRATION PLAN THAT SETS OUT THE

26 DEPARTMENT'S GOALS AND OBJECTIVES AND ESTABLISHES PRIORITIES AND

27 THE DEPARTMENT'S TIME LINE FOR ACHIEVING SUCH REQUIREMENTS.

1 (e) FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH
2 (d) OF THIS SUBSECTION (1.5) MAY RESULT IN THE DEPARTMENT BEING
3 REMOVED FROM OR DENIED ACCESS TO THE STATE NETWORK OR
4 MAINFRAME COMPUTER UNTIL ALL OF THE PROVISIONS OF PARAGRAPH (d)
5 OF THIS SUBSECTION (1.5) ARE DEMONSTRATED BY THE DEPARTMENT.

6 (f) ON OR BEFORE AUGUST 31, 2004, THE DEPARTMENT SHALL
7 REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON
8 THE DEPARTMENT'S PROGRESS WITH THE RENEWAL OF A DRIVER'S LICENSE
9 BY ELECTRONIC MEANS, ANTICIPATED EXPENSES AND COSTS OF
10 IMPLEMENTING THIS RENEWAL PROCESS INCLUDING ANTICIPATED FUNDING
11 REQUESTS ASSOCIATED WITH THESE EXPENSES AND COSTS, WORLD WIDE
12 WEB APPLICATIONS, AND MEASURES THE DEPARTMENT WILL IMPLEMENT
13 TO MINIMIZE POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND FRAUD.

14 (g) THE DEPARTMENT MAY PROMULGATE ANY NECESSARY RULES
15 FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5).

16 **SECTION 2. Applicability.** This act shall apply to drivers'
17 licenses renewed on or after the effective date of this act.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety. April 16, 2004