

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 01-0668.01 Thomas Morris

**HOUSE BILL 01-1170**

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**HOUSE SPONSORSHIP**

**Fritz, Cadman, and Paschall**

**SENATE SPONSORSHIP**

**May,**

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**House Committees**

Information & Technology  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ISSUANCE OF DOCUMENTS BY THE DEPARTMENT OF**  
102 **REVENUE, AND MAKING AN APPROPRIATION IN CONNECTION**  
103 **THEREWITH.**

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**Bill Summary**

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

Allows renewal of driver's licenses by use of the internet. Prohibits the department of revenue ("department") from issuing to the same person both an identification card and a driver's license. Requires applicants for drivers' licenses to surrender to the department any identification card issued by the department to the applicant.

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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.*

HOUSE  
Amended 2nd Reading  
March 29, 2001

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

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

5 **42-2-118. Renewal of license - donations to organ and tissue**  
6 **donation awareness fund - repeal.** (1) (a) (I) Every license issued under  
7 section 42-2-114 shall be renewable prior to its expiration, upon  
8 application in person, ~~or~~ by mail as provided in subsection (1.3) of this  
9 section, OR BY ELECTRONIC MEANS AS PROVIDED IN SUBSECTION (1.5) OF  
10 THIS SECTION, payment of the required fee, passing of an eye test, passing  
11 of such other examinations as the applicant's physical limitations or  
12 driver's record indicates to be desirable, and payment of any penalty  
13 assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this  
14 section.

15 (1.5) (a) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW  
16 RENEWAL OF A DRIVER'S LICENSE ISSUED UNDER SECTION 42-2-114 BY  
17 ELECTRONIC MEANS SUBJECT TO THE FOLLOWING REQUIREMENTS:

18 (I) RENEWAL BY ELECTRONIC MEANS SHALL BE AVAILABLE ONLY  
19 TO DRIVERS TWENTY-ONE YEARS OF AGE OR OLDER AND UNDER SIXTY-SIX  
20 YEARS OF AGE;

21 (II) RENEWAL BY ELECTRONIC MEANS SHALL ONLY BE AVAILABLE  
22 TO THE LICENSE HOLDER DURING EVERY OTHER DRIVER'S LICENSE  
23 RENEWAL PERIOD AS PROVIDED IN SECTION 42-2-114 (2) (a) AND (3).

24 (III) THE DEPARTMENT SHALL MAINTAIN THE FULL AMOUNT OF  
25 REVENUE OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY  
26 USERS TAX FUND NOTWITHSTANDING ANY THIRD PARTY CHARGES THAT  
27 MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION.

1 (b) EVERY APPLICANT FOR RENEWAL OF A DRIVER'S LICENSE BY  
2 ELECTRONIC MEANS SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT:

3 (I) PAYMENT OF THE REQUIRED FEE; AND

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

6 (c) THE DEPARTMENT SHALL NOT ALLOW THE RENEWAL OF A  
7 DRIVER'S LICENSE BY ELECTRONIC MEANS UNTIL A STATEWIDE INTERNET  
8 PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH  
9 WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY  
10 INFORMATION, PRODUCTS, AND SERVICES THROUGH THE WORLD-WIDE WEB  
11 HAS BEEN CREATED PURSUANT TO SECTION 24-37.5-105 (3) (b), C.R.S.,  
12 AND THE DEPARTMENT PROMULGATES RULES NECESSARY FOR THE  
13 IMPLEMENTATION OF THIS SUBSECTION (1.5), INCLUDING RULES, IN  
14 COMPLIANCE WITH STANDARDS ESTABLISHED PURSUANT TO ARTICLE 37.5  
15 OF TITLE 24, C.R.S., TO MINIMIZE TO THE GREATEST EXTENT POSSIBLE  
16 OPPORTUNITIES FOR IDENTITY THEFT AND THE RISKS OF A DRIVER'S LICENSE  
17 BEING OBTAINED FRAUDULENTLY OR ISSUED TO THE IMPROPER PERSON.

18 **SECTION 2.** 42-2-302 (2) (c) and (3) (a), Colorado Revised  
19 Statutes, are amended to read:

20 **42-2-302. Department may issue - limitations.** (2) (c) The  
21 department may not issue an identification card to any person who is not  
22 a resident of the state of Colorado NOR TO ANY PERSON TO WHOM THE  
23 DEPARTMENT HAS ALREADY ISSUED A COMMERCIAL DRIVER'S, DRIVER'S, OR  
24 MINOR DRIVER'S LICENSE OR AN INSTRUCTION PERMIT. The department  
25 shall issue an identification card only upon the furnishing of such  
26 evidence of residency that the department may require.

27 (3) (a) The department has the authority to cancel, deny, or deny

1 the reissuance of the identification card of a person upon determining that  
2 the person is not entitled to issuance of the identification card for the  
3 following reasons:

4 (I) Failure to give the required or correct information in an  
5 application or commission of any fraud in making such application;

6 (II) Permission of an unlawful or fraudulent use or conviction of  
7 misuse of an identification card;

8 (III) The person is not lawfully present in the United States; ~~or~~

9 (IV) The person is not a resident of the state of Colorado; OR

10 (V) THE DEPARTMENT HAS ALSO ISSUED TO THE PERSON A  
11 COMMERCIAL DRIVER'S, DRIVER'S, OR MINOR DRIVER'S LICENSE OR AN  
12 INSTRUCTION PERMIT.

13 **SECTION 3.** 42-2-107, Colorado Revised Statutes, is amended  
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **42-2-107. Application for license or instruction permit -**  
16 **anatomical gifts - donations to organ and tissue donation awareness**  
17 **fund - legislative declaration - repeal.** (7) PRIOR TO THE ISSUANCE OF  
18 ANY LICENSE PURSUANT TO THIS ARTICLE, THE APPLICANT SHALL  
19 SURRENDER TO THE DEPARTMENT ANY IDENTIFICATION CARD ISSUED TO  
20 THE APPLICANT PURSUANT TO PART 3 OF THIS ARTICLE.

21 **SECTION 4.** 42-3-105 (1) (a), Colorado Revised Statutes, is  
22 amended to read:

23 **42-3-105. Application for registration - tax - repeal.**

24 (1) (a) (I) Application for the registration of a vehicle required to be  
25 registered under this article shall be made by the owner or the owner's  
26 agent, and if applicable, simultaneously with the application for certificate  
27 of title, as required by this section. The application for registration which

1 shall be in writing and signed by the owner of such vehicle or the owner's  
2 duly authorized agent EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
3 PARAGRAPH (a), AND shall include: The name of the applicant; the name  
4 and correct address of the owner determined pursuant to section 42-6-139,  
5 designating the county, school district, and city or town within the limits  
6 of which the owner resides; a description of the motor vehicle in such  
7 form as shall be required by the department; the purpose for which the  
8 vehicle is used; the notice described in subsection (2) of this section;  
9 whether the applicant requests that the department should, if it approves  
10 the application, mail to the owner the license plate required under this  
11 article; and such other pertinent information as may be required by the  
12 department. In addition, on or after July 1, 1999, any application for new  
13 registration of a vehicle shall include the primary body color of the motor  
14 vehicle. On and after September 1, 1999, any application submitted in  
15 person to a county clerk and recorder, manager of revenue, or department  
16 office for registration of a motor vehicle that has been previously  
17 registered shall include the primary body color of the motor vehicle.

18 (II) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW RENEWAL  
19 OF A REGISTRATION ISSUED UNDER THIS ARTICLE BY ELECTRONIC MEANS  
20 SUBJECT TO THE FOLLOWING REQUIREMENTS:

21 (A) THE DEPARTMENT SHALL MAINTAIN THE FULL AMOUNT OF  
22 REVENUE OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY  
23 USERS TAX FUND NOTWITHSTANDING ANY THIRD PARTY CHARGES THAT  
24 MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION;

25 (B) EVERY APPLICANT FOR RENEWAL OF A REGISTRATION BY  
26 ELECTRONIC MEANS SHALL SUBMIT TO THE DEPARTMENT PAYMENT OF THE  
27 REQUIRED REGISTRATION AND EMISSIONS INSPECTION FEES, ANY

1 APPLICABLE LICENSE PLATE FEES, AND SPECIFIC OWNERSHIP TAXES, AND  
2 PAYMENT OF ANY PENALTY ASSESSMENT, FINE, COST, OR FORFEITURE AS  
3 PRESCRIBED BY THIS ARTICLE;

4 (C) THE DEPARTMENT SHALL NOT ALLOW THE RENEWAL OF A  
5 REGISTRATION BY ELECTRONIC MEANS UNTIL A STATEWIDE INTERNET  
6 PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH  
7 WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY  
8 INFORMATION, PRODUCTS, AND SERVICES THROUGH THE WORLD-WIDE WEB  
9 HAS BEEN CREATED PURSUANT TO SECTION 24-37.5-105 (3) (b), C.R.S.,  
10 AND THE DEPARTMENT PROMULGATES RULES NECESSARY FOR THE  
11 IMPLEMENTATION OF THIS SUBPARAGRAPH (II), INCLUDING RULES, IN  
12 COMPLIANCE WITH STANDARDS ESTABLISHED PURSUANT TO ARTICLE 37.5  
13 OF TITLE 24, C.R.S., TO MINIMIZE TO THE GREATEST EXTENT POSSIBLE  
14 OPPORTUNITIES FOR IDENTITY THEFT AND THE RISKS OF A REGISTRATION  
15 RENEWAL BEING OBTAINED FRAUDULENTLY OR ISSUED TO THE IMPROPER  
16 PERSON OR MOTOR VEHICLE.

17 **SECTION 5. Appropriation - adjustment to the 2001 long**  
18 **bill.** For the implementation of this act, appropriations made in the annual  
19 general appropriations act for the fiscal year beginning July 1, 2001, shall  
20 be adjusted as follows:

21 (a) the general fund appropriation to the department of revenue is  
22 decreased by twenty-eight thousand fifty-two dollars (\$28,052);

23 (b) the number of FTE for the department of revenue is decreased  
24 by 0.4 FTE.

25 **SECTION 6. Effective date.** This act shall take effect at 12:01  
26 a.m. on the day following the expiration of the ninety-day period after  
27 final adjournment of the general assembly that is allowed for submitting

1 a referendum petition pursuant to article V, section 1 (3) of the state  
2 constitution; except that, if a referendum petition is filed against this act  
3 or an item, section, or part of this act within such period, then the act,  
4 item, section, or part, if approved by the people, shall take effect on the  
5 date of the official declaration of the vote thereon by proclamation of the  
6 governor.