

DEPARTMENT OF REVENUE

Division of Motor Vehicles

INTERSTATE DRIVER LICENSE COMPACT RULES

1 CCR 204-16

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

These rules and regulations are promulgated to implement Article V of the Driver License Compact, 24-60-1101 C.R.S. These rules and regulations shall govern applications for Colorado driver's licenses by persons whose driving privilege is under restraint in another party state.

A. APPLICATION

1. Upon receiving an application for a Colorado driver's license, the Division of Motor Vehicles (DMV) shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by another party state.
2. If the applicant has held such license but the same has been suspended or revoked by the issuing state, DMV shall not issue a Colorado driver's license to the applicant except as provided herein.
3. Whenever DMV receives a license application from a person under restraint in a party state, DMV shall issue a written notice of denial to such applicant. The notice shall identify the state(s) where the applicant's privilege is under restraint. The notice shall contain information concerning the applicant's right to a hearing in accordance with 24-4-104 C.R.S. and information on obtaining a Letter of Clearance from the restraining state.

B. LICENSING OF DRIVERS CURRENTLY UNDER RESTRAINT IN ANOTHER STATE

1. Any applicant who is denied a Colorado driver's license because of an existing restraint in another party state may request a hearing to determine eligibility for licensing under these rules.
2. Upon receipt of such hearing request, the Hearing Section shall notify DMV of the pending hearing. DMV shall thereupon acquire the applicant's driving record from the restraining party state and analyze that record, applying Colorado law. For purposes of this analysis, all offenses appearing on the out-of-state record shall be viewed as if they had occurred in Colorado. Analysis of the out-of-state record as described shall constitute the investigation required in Article V, paragraph 2, of the Driver License Compact.
3. At hearing, the applicant must show that:
 - a. At least one year has passed since the out-of-state license was suspended or revoked;
 - b. He or she has not driven since the imposition of the suspension or revocation; and
 - c. He or she is now a Colorado resident.
4. Residence may be established by such evidence as proof of employment, voter registration, utility bills or other documents which reflect that the applicant resides in Colorado.

5. Any evidence of a traffic conviction for an offense occurring after the suspension or revocation effective date shall rebut paragraph 2 above, and the applicant shall be required to wait one year from the violation date before applying for a Colorado license under these rules; or until one year after the date of Colorado reinstatement eligibility, whichever is longer.
6. DMV shall have the burden at the hearing to show that the applicant is not eligible for licensing based on the analysis of the out-of-state driving record.
 - a. DMV shall present its analysis and calculate the reinstatement eligibility date as determined by the application of Colorado law to the record.
 - b. In making this calculation, DMV shall credit time spent under the out-of-state restraint to the total time of restraint required under Colorado law.
 - c. If the calculated reinstatement eligibility date has passed, the applicant shall be eligible to apply for a Colorado driver's license upon the completion of any required reinstatement conditions.
 - d. If the calculated reinstatement eligibility date is established to be a date in the future, that future date shall be the date upon which the applicant becomes eligible to apply for the Colorado license.
 - e. This date shall be extended for one year in the event of any conviction of a traffic offense in the interim.
7. In no event shall any limited driving privilege, such as a probationary or temporary license, be issued to any applicant subject to these rules.
8. In no event shall a Colorado driver's license be issued to any applicant less than one year after the imposition of a restraint by a party state.

C. REINSTATEMENT IN THE OTHER PARTY STATE

1. These rules apply to persons who, at the time of application for a Colorado driver's license, have not reinstated their driving privilege in the restraining state. These rules apply regardless of whether the applicant is eligible to reinstate in the restraining state.
2. In the event that at the time of application the applicant presents a reinstatement order or clearance letter from the restraining state, these rules shall not apply and the application for Colorado license shall be accepted forthwith.

Editor's Notes

History