

# STATE OF COLORADO

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John W. Hickenlooper  
Governor

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## Colorado Department of Revenue Motor Vehicles Division

### Emergency Rules:

### Revised Rule 8, 1 CCR 204-30 –Driver Education and Examination Program Rules and Regulations

#### Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103, 42-1-204 and 42-2-111, C.R.S, I, Barbara J. Brohl, Executive Director of the Department of Revenue (“Department”), hereby adopt the aforementioned revised Rule 8, 1 CCR 204-30, which is attached hereto.

Section 24-4-103(6), C.R.S., authorizes the Department to issue emergency rules if the Department that the immediate adoption of the rule is imperatively necessary to comply with a state law or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

I find that the immediate adoption of this revised rule is necessary to comply with the statutory mandates of Colorado’s Uniform Motor Vehicle Law, articles 1 through 4 of title 42, C.R.S. and to properly regulate the training and examinations required for issuance of driver’s licenses in Colorado.

#### Statutory Authority

The statutory authority for these rules is found at subsections 42-1-104, 42-2-111 and 12-5-116, C.R.S.

#### Purpose

The purposes of adopting the revisions to Rule 8 on an emergency basis are to respond to concerns raised by the Office of Legislative Legal Services (“OLLS”) regarding this rule and to extend the validity period for the Basic Operator Driving Skill Test (“BODS”) and Basic Operators Skills Written Knowledge Test (“BOSW”).

With regard to the OLLS concerns, first, the revised rule removes paragraph 200(j). Paragraph 200(j) addressed trade names for a Commercial Driving School (“CDS”), a topic outside the Department’s authority. Second, the revised rule adds an applicability section to align the Department’s practice and statutory authority with the language of the rule.

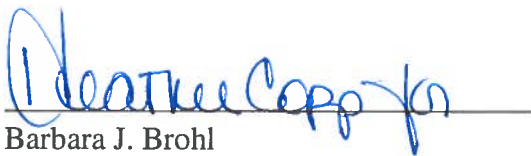
In practice, the Department currently requires certification of only those CDSs that offer training or examinations required by Colorado’s Uniform Motor Vehicle Law in connection with obtaining a driver’s license. OLLS, however, has concluded that this limitation is not apparent from the face of the rule. It is

imperative to correct the rule to clarify the scope of the Department's certification program, and to clarify that the program is operating within the Department's statutory authority. The revised rule clarifies that these rules apply only to CDSs that offer statutorily required examinations or statutorily required training for a type of driver's license.

With regard to the extensions of the validity periods for the BODS and BOSW tests, part 5 of article 3 of title 42 requires that the Department issue driver's licenses to qualified individuals not lawfully present or temporarily lawfully present in Colorado. Because of the large number of applicants and limited staff authorized to process the applications, it is often impracticable for the Department complete the application process on a driver's license within the 30 and 60 day time periods within which the test results of the BODS and BOSW tests, respectively, are valid. Thus, the Department is currently prevented from effectively fulfilling its statutory mandate. The revised rule amends paragraph 401(g) and 403(i) to change 60 days to 180 days and amends paragraph 402(a) to change 30 days to 180 days to address this problem.

The purpose of adopting the revision to Rule 8 on an emergency basis is to clarify that the Department's program is consistent with its statutory authority, and to extend the test validity periods to allow the Department to fulfill its statutory licensing obligations. The Department will promptly notice Rule 8 for a permanent rulemaking hearing.

This emergency rule is effective immediately upon adoption.



Barbara J. Brohl  
Executive Director  
Colorado Department of Revenue

3/15/15  
Date