

DEPARTMENT OF REVENUE

Division of Motor Vehicles

DRIVER'S LICENSE – DRIVER CONTROL

1 CCR 204-30

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

**RULE 1 RULES FOR APPLICATION FOR A COLORADO ROAD AND COMMUNITY SAFETY
ACT IDENTIFICATION DOCUMENT 42-2-501 CRS**

Basis, Purpose and Statutory: [Eff. 08/01/2014]

The statutory bases for this regulation are CRS Title 24-4-103, 24-72.1-103, 42-1-204, and Title 42, Article 2, Parts 1, 2, 3, and 5. The purpose of this rule is to set forth regulations for the application of driver's licenses, minor driver's licenses, instruction permits and identification cards for individuals who cannot demonstrate lawful presence in the United States and for individuals who can demonstrate temporary lawful presence in the United States. These regulations establish the source documents that are acceptable to establish residency, temporary lawful status and the source documents and forms required from individuals unable to document lawful status.

1.0 Definitions [Eff. 08/01/2014]

- 1.1 Applicant – Any natural person applying as an individual to the Department for a Colorado identification document as an individual who can demonstrate temporary lawful presence in the U.S., or who cannot demonstrate lawful presence in the U.S.
- 1.2 CO-RCSA – The Colorado Road and Community Safety Act section 42-2-501 CRS.
- 1.3 Department – The Colorado Department of Revenue.
- 1.4 Document – An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or photocopied documents.
- 1.5 Exceptions Processing – The procedure the Department has established for persons who are unable, for reasons beyond their control, to present all necessary documents and must rely on alternative documents to establish identity, date of birth or U.S. citizenship in lieu of lawful presence.
- 1.6 Full Legal Name – The applicant's first name, middle name(s), and last name or surname, without use of initials or nicknames as it appears on the applicant's documents presented upon application.
- 1.7 Identity – The verifiable characteristics that when taken together make a person unique and identifiable. Elements of identity include name, date of birth, and physical characteristics including a verifiable photograph.
- 1.8 Identification Card – A document issued by a Department of Motor Vehicles or its equivalent that contains the applicant's full legal name, full facial digital photograph, date of birth, and gender, but does not confer upon the bearer the right to operate a motor vehicle.

- 1.9 Individual Taxpayer Identification Number (ITIN) – A tax processing number issued by the Internal Revenue Service.
- 1.10 Lawful Presence – Demonstration of citizenship in the U.S. or the lawful entry of a non-citizen into the U.S. for an authorized period of time after inspection and authorization by an immigration officer.
- 1.11 License – A driver’s license, commercial driver’s license, minor driver’s license, or instruction permit.
- 1.12 Incomplete Application – An application for a driver’s license or identification card that does not provide sufficient information or documentary evidence.

2.0 Qualifications for CO-RCSA Identification Documents

- 2.1 For applicants who can demonstrate temporary lawful presence in the United States in accordance with 42-2-506 CRS, the applicant must:
 - 2.1.1 Provide documents that demonstrate the applicant’s identity, date of birth, full legal name and temporary lawful presence, for example:
 - 2.1.1.1 An unexpired foreign passport bearing a photograph of the applicant in conjunction with a valid, unexpired U.S. visa and I-94 showing class and expiration date that is verified using Systematic Alien Verification for Entitlements (SAVE).
 - 2.1.1.2 A valid employment authorization document (EAD) including I-766, I-688, I-688A, and I-688B that is verified using SAVE.
 - 2.1.2 Present evidence of residency in Colorado.
- 2.2 For applicants who cannot demonstrate lawful presence in the United States, pursuant to 42-2-505 CRS, the following requirements must be met:
 - 2.2.1 Demonstrate residency in either of the following two ways:
 - 2.2.1.1 Sign an affidavit that states that the applicant is currently a resident of Colorado, present evidence of residence in Colorado as provided in 2.2.1.3 below, and present certified proof of return tax filing (from the Department) for the immediately preceding year; or
 - 2.2.1.2 Sign an affidavit that the applicant has continuously been a resident in Colorado for the immediately preceding twenty-four months, and present evidence of residence in Colorado for the immediately preceding twenty-four months.
 - 2.2.1.2.1 In order to prove that the applicant has continuously resided in Colorado for the immediately preceding twenty-four months, the applicant must present three documents demonstrating: one for current residency (date on the document must not be older than three months from date of application), one for residency from one year prior (date on the document must be between 10 and 14 months prior to the date of application), and one for residency from two years prior (date on the document must be between 24 and 28 months prior to the date of application).

- 2.2.1.3 Evidence of residence in Colorado shall be demonstrated by presenting documents that include the applicant's name and principal residence, which must include a street address, and the date of the document. Examples include, but are not limited to: utility bill, credit card statement, pay stub or earnings statement, rent receipt, telephone bill, or bank statement.
- 2.2.2 Applicants who are not lawfully present must provide documentation of their ITIN.
- 2.2.3 Applicants who are not lawfully present shall sign an affidavit affirming that the applicant has applied to be lawfully present within the U.S. or will apply to be lawfully present as soon as the applicant is eligible.
- 2.2.4 Applicants who are not lawfully present shall present one of the following documents, translated into English, from the applicant's country of origin:
 - 2.2.4.1 A passport;
 - 2.2.4.2 A consular identification card; or
 - 2.2.4.3 A military identification document
- 2.2.5 The documents in 2.2.4 must contain the applicant's full legal name; the applicant's date of birth; the date the document was issued; the name of the country that issued the document; and a full facial photograph of the applicant.
- 2.2.6 The documents listed in 2.2.4 above will be accepted 10 years after the expiration date listed on the document. Documents without an expiration date will be accepted 10 years from their issuance date.
- 2.3 Applicants shall sign their name, under penalty of perjury, on all required affidavits and documents in the presence of a Department employee.
- 2.4 Applicants may use an interpreter during their application. The use of an interpreter will be arranged for by the applicant and any costs associated with the use of an interpreter will be the responsibility of the applicant.
- 2.5 Applicants may use an interpreter for the written test.
- 2.6 All interpreters will be required to show an unexpired driver's license.
- 3.0 Process for Translation**
- 3.1 All documents provided to the Department by the applicant shall be in English or have been translated into English.
- 3.2 The original and corresponding translated documents shall be presented together at the time of application.

3.3 All translated documents must have the following included at the end (must be typed or electronically printed on the same page as the translation, not on separate pieces of paper or the translation will not be accepted by the Department:

3.3.1 I, _____, affirm that the foregoing is a complete and accurate translation from (insert name foreign language) to the English language to the best of my ability. I further affirm that I am fully competent to translate from (insert name of foreign language) into the English language and that I am proficient in both languages.

3.4 The person performing the translation must provide an unexpired driver's license or identification card number and state of issuance. This information shall be included with the applicant's permanent motor vehicle record.

3.5 Applicants are responsible for all costs of translation.

4.0 Fee Structure

4.1 The cost for a driver's license, including a minor driver's license, is \$50.50, which includes an additional fee of \$29.50. This is in addition to any other statutorily required fees, including but not limited to fees for instruction permits. The cost for an Identification Card is \$14.00, which includes an additional fee of \$3.50.

5.0 Renewal

5.1 Driver's licenses and identification cards will expire 3 years after the date of issuance or twenty days after the twenty-first birthday of the applicant (whichever comes first). Applicants must apply in person to renew an identification document issued under the CO-RCSA.

6.0 Process for Complete Application

6.1 When an applicant has completed the required application and established the standards set forth in 2.0 above, an application will be printed, the applicant will be required to review and verify the information on the application by signing a "signature capture device", a fingerprint is captured, and a photograph of the applicant is taken. The printed and signed application serves as a temporary document. The permanent identification document is mailed to the applicant at the address provided on the application.

7.0 Process for Incomplete Application

7.1 If an application is incomplete or the applicant has failed to provide documents verifiable by the Department for identity, date of birth or lawful presence, the Department may provide a Notice of Incomplete Application.

7.2 The Notice of Incomplete Application may include a notation of the information that is incomplete, or of the documentation that is not verifiable. If the authenticity of a document cannot be verified, then an application may be considered incomplete and additional documentation may be required, or the applicant may be referred to Exceptions Processing. An applicant may return to the Department with the required additional documentation prior to being denied a Colorado driver's license or identification card.

8.0 Denial of Application

- 8.1 Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an applicant has presented documents that are fraudulent or that are not verifiable.
- 8.1.1 Nothing in this regulation restricts or prohibits the Department from verifying any document presented by an applicant.
- 8.1.2 An application shall be denied if the applicant presents fraudulent or altered documents or commits any other fraud in the application process.

9.0 Hearing and Final Agency Action

- 9.1 An applicant who has received a Notice of Denial may, within sixty (60) days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. #106, Lakewood, CO 80214.
- 9.2 Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act, and the provisions of Title 42 of the Colorado Revised Statutes.
- 9.3 The only issue at a hearing shall be whether the documentation provided by an applicant is sufficient.
- 9.4 The hearing officer shall issue a written decision within fifteen (15) business days of the completion of the hearing. If the hearing officer finds that the documentation is insufficient, then the denial shall be sustained. If the hearing officer finds that the documentation is sufficient, then the denial shall be rescinded and the Department shall issue the Colorado driver's license or identification card.
- 9.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review.

RULE 6 RULES FOR THE APPLICATION FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD FOR U.S. CITIZENS AND INDIVIDUALS WHO CAN DEMONSTRATE PERMANENT LAWFUL PRESENCE AND RESIDENCY STATUS

Basis, Purpose and Statutory Authority: [Eff. 08/01/2014]

The statutory bases for this regulation are 24-4-103, 24-72.1-103, 42-1-204, 42-2-107 and 42-2-302 CRS.

The purpose of this rule is to set forth regulations for the types of documents the Department will use as proof of the applicant's lawful presence in the U.S., identity, date of birth, social security number and address of principal residence when applying for a driver's license or identification card. Additionally, it describes the process the applicant will be required to follow for completing the application and what will occur if their application is incomplete or denied. Finally, it describes the process the applicant may use to request a hearing if their application is denied.

1.0 Definitions

- 1.1 Applicant—Any natural person applying as an individual to the Department for a Colorado driver's license or identification card who is a U.S. citizen or who can demonstrate permanent lawful presence in the U.S. and residency in Colorado.
- 1.2 Department—The Colorado Department of Revenue.

- 1.3 Document—An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or photocopied documents.
- 1.4 Driver's License—A driver's license, commercial driver's license, minor driver's license, or instruction permit.
- 1.5 Exceptions Processing—The procedure the Department has established for persons who are unable, for reasons beyond their control, to present all necessary documents and must rely on alternative documents to establish identity, date of birth or U.S. citizenship in lieu of lawful presence.
- 1.6 Full Legal Name —The applicant's first name, middle name(s), and last name or surname, without use of initials or nicknames as it appears on the applicant's documents presented upon application.
- 1.7 Hearing—Hearing before a Department Administrative Hearing Officer.
- 1.8 Identification Card—A document issued by a Department of Motor Vehicles or its equivalent that contains the applicant's full legal name, full facial digital photograph, date of birth, and gender, but does not confer upon the bearer the right to operate a motor vehicle.
- 1.9 Identity—The verifiable characteristics that when taken together make a person unique and identifiable. Elements of identity include name, date of birth, and physical characteristics including a verifiable photograph.
- 1.10 Incomplete Application—Any application for a driver's license or identification card that does not provide sufficient information or documentary evidence.
- 1.11 Lawful Presence—Demonstration of citizenship in the U.S. or the lawful entry of an alien into the U.S. for an authorized period of time after inspection and authorization by an immigration officer.
- 1.12 SAVE—The Systematic Alien Verification System for Entitlements, which is managed by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.
- 1.13 SSOLV—The Social Security Online Verification system managed by the Social Security Administration (SSA).

2.0 Proof of Identity, Date of Birth, Lawful Presence, Social Security Number, and Residence

- 2.1 Every application for a Colorado driver's license or identification card shall state the full legal name, date of birth, gender, and residence address of the applicant. In addition, the application shall include the applicant's social security number (SSN).
- 2.2 An applicant must provide source documents that are secure and verifiable as defined in §24-72.1-102(5), to establish identity, date of birth and lawful presence.
- 2.3 The following documents or combination of documents are acceptable to establish identity, date of birth, and lawful presence:
 - 2.3.1 A valid unexpired Colorado driver's license or identification card except that a Colorado driver's license or identification card issued under the Colorado Road and Community Safety Act (§ 42-2, C.R.S.) is not acceptable.
 - 2.3.2 A valid unexpired U.S. passport bearing the full legal name of the applicant.

- 2.3.3 A certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the applicant's state of birth.
- 2.3.4 A Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State (Form FS-240, DS-1350, or FS-545).
- 2.3.5 A valid, unexpired Permanent Resident Card (Form I-551) issued by the Department of Homeland Security (DHS) or the U.S. Citizenship and Immigration Services (INS) (formerly the U.S. Immigration and Naturalization Service).
- 2.3.6 A Certificate of Naturalization issued by DHS (Form N-550 or N-570).
- 2.3.7 A Certificate of Citizenship issued by DHS (Form N-560 or N-561).
- 2.4 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth and lawful presence may request Exceptions Processing.
- 2.5 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth and lawful presence, may request a Notice of Denial and contest the decision through the process described in section 8.0 below.
- 2.6 In addition to the documents listed in Section 2.3, the following documents may also be used to establish an applicant's identity and date of birth: an unexpired Real ID driver's license or identification card issued in compliance with the standards in the federal Real ID Act; an unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688(B); or an unexpired foreign passport with a valid unexpired U.S. Visa affixed and accompanied by the approved I-94 Form documenting the applicant's most recent admittance into the U.S.
- 2.7 Any source document provided by the applicant that reflects a name differing from the full legal name (for example through marriage, adoption, court order or other mechanism permitted by state law or regulation), the Department shall require evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the Department.

3.0 Social Security Requirements

- 3.1 The documents acceptable to establish a SSN are:
 - 3.1.1 SSA account number card; or, if a SSA account card is not available, the person may present any of the following documents bearing the applicant's SSN:
 - 3.1.1.1 A W-2 form,
 - 3.1.1.2 A SSA-1099 form,
 - 3.1.1.3 A non-SSA-1099 form, or
 - 3.1.1.4 A pay stub with the applicant's name and SSN on it.

4.0 Principal Residence

4.1 To document address of principal residence, an applicant must present at least two documents that include the applicant's name and principal residence. A street address is required except as provided below:

4.1.1 An alternative address may be displayed for individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address, or

4.1.2 Individuals who satisfy any of the following:

4.1.2.1 If the individual is enrolled in a State address confidentiality program, or other similar program; or

4.1.2.2 If the individual's address is entitled to be suppressed under State or Federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or

4.1.2.3 If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

4.1.3 In areas where a number and street name has not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable.

5.0 Process for Complete Application

5.1 When an applicant has completed the required application and met the standards set forth in 2.0 above, an application will be printed, the applicant will be required to review and verify the information on the application by signing a "signature capture device," a fingerprint will be captured and a photograph of the applicant will be taken. The printed and signed application serves as the temporary document. The permanent identification document is mailed to the applicant at the address provided on the application.

6.0 Process for Incomplete Application

6.1 If an application is incomplete or the applicant has failed to provide documents verifiable by the Department for identity, date of birth or lawful presence, the Department may provide a Notice of Incomplete Application.

6.2 The Notice of Incomplete Application may include a notation of the reason for the decision that the application is incomplete. If the authenticity of a document cannot be verified, then an application may be considered incomplete and additional documentation may be required, or the applicant may be referred to Exceptions Processing. An applicant may return to the Department with the required additional documentation prior to being denied a Colorado driver's license or identification card.

7.0 Denial of Applications

7.1 Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an applicant has presented documents that are fraudulent or that are not secure and verifiable pursuant to § 24.72.1-102(5).

7.1.1 Nothing in this regulation restricts or prohibits the Department from verifying any document presented by an applicant.

7.1.2 An application shall be denied if the applicant presents fraudulent or altered documents or commits any other fraud in the application process.

8.0 Hearing and Final Agency Action

- 8.1 An Applicant who has received a Notice of Denial may, within sixty (60) days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. #106, Lakewood, CO 80214.
- 8.2 Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act and the provisions of Title 42 of the Colorado Revised Statutes.
- 8.3 The only issue at the hearing shall be whether the documentation provided by an applicant is sufficient.
- 8.4 The hearing officer shall issue a written decision within fifteen (15) business days of the completion of the hearing. If the hearing officer finds that the documentation is insufficient, then the denial shall be sustained. If the hearing officer finds that the documentation is sufficient, then the denial shall be rescinded and the Department shall issue the Colorado driver's license or identification card.
- 8.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by § 24-4-106, C.R.S.

RULE 8 DRIVER TESTING AND EDUCATION PROGRAM RULES AND REGULATIONS

PURPOSE

The Department of Revenue, Division of Motor Vehicles, Driver Testing and Education Section developed rules, regulations and certification requirements to establish the working and operational instructions for the conduct of certified Commercial Driver Education programs, Basic Operators Skills Testing Organizations, and third party testers.

The rules, regulations and requirements will furnish guidelines as necessary for Commercial Driving Schools to remain current with changing laws and new programs promoting the safety and welfare of the citizens of Colorado and to aid in the detection of fraudulent activities.

STATUTORY AUTHORITY

Sections: 24-4-103, 42-1-204, 42-2-106 and 42-2-111 C.R.S and in adopting such rules, the Department shall use the guidelines concerning Commercial Driving Schools promulgated by the United States Department of Transportation 12-15-116(3) C.R.S

(100) DEFINITIONS

- a) **BOST: (Basic Operators Skills Test):** Means either the Basic Operator Skills Drive Test (BOSD) or the Basic Operators Skills Written Knowledge Test (BOSW) or both.
- b) **Basic Operator Skill Tester:** An individual employed by a Commercial Driving School who has successfully passed the training required by the Department, has successfully met the additional company training requirements, and is certified to administer the BOST.
- c) **Basic Operator's skill testing Organization (BOSTO):** A Commercial Driving School certified by the Department to conduct the BOST for a permit or driver's license.

- d) **Behind-the-Wheel training (BTW):** An extension of classroom instruction that provides students with opportunities for traffic experiences under real conditions.
- e) **Behind-the-Wheel instructor (BTWI):** An instructor employed by an approved Commercial Driving School who is certified by the Department for behind-the-wheel training.
- f) **Clock Hours:** Full hour consisting of sixty (60) minutes. Section 12-15-101 (1), C.R.S.
- g) **CMV:** Commercial motor vehicle.
- h) **Commercial Driving School (CDS):** Any business or any person who, for compensation, provides or offers to provide instruction in the operation of a motor vehicle, and is certified by the Driver Testing Education Section of the Motor Vehicle Division. The aforementioned does not include secondary schools and institutions of higher education offering programs approved by the Department of Education and/or private occupational schools offering programs approved by the private occupational school division.
- i) **Commercial driving instructor:** An individual employed by a Commercial Driving School (CDS) as an instructor/tester of students.
- j) **Curriculum Content:** The content of a course of instruction set by the Department that meets the minimum requirements to obtain a driving permit.
- k) **Department:** The Department of Revenue.
- l) **DTES:** Driver Testing and Education Section.
- m) **Expanded driver awareness program/driver awareness program (EDAP/DAP):** A four-hour pre-qualification driver awareness program approved by the Department. Section 42-2-106(1)(d) (l), C.R.S.
- n) **Instruction Permit:** A driving document issued by the Department to allow an individual to drive a motor vehicle or motorcycle, as provided for in section 42-2-106, C.R.S., prior to receiving a Colorado driver's license.
- o) **Revocation of testing certification:** The permanent withdrawal of a BOST tester's or a BOSTO's testing privileges by the Department.
- p) **Shadow drive:** Additional practice in drive testing before certification or re-certification.
- q) **Suspension of testing certification:** An action taken by the Department against a BOST tester or a BOSTO whereby testing privileges are withdrawn for a specified period of time.

(200) GENERAL REQUIREMENTS FOR COMMERCIAL DRIVING SCHOOL CERTIFICATION

- a) Commercial Driving Schools (CDS) shall enter into a written contract with the Department.
- b) The CDS shall have a commercial driver education course of instruction approved by the Department.
- c) Application for certification must be submitted on forms provided by the Department and must indicate on the form the type of certification being requested.

- d) A copy(s) of the CDS's state, county, or municipal business license(s) or waivers, registration with the Secretary of State, along with any other documentation required by the county or city, must be submitted with an application. Section 12-15-116(2), C.R.S.
- e) A CDS's place of business shall be a separate establishment and not part of a residence.
 - 1. All CDS's shall comply with city zoning and code requirements.
 - 2. All CDS's are required to have a mailing address that is not a post office box.
 - 3. A CDS's must request and receive approval from the Department for recordkeeping in a residential home office.
- f) Each new owner/manager must complete Records Management/BOSW training prior to certification.
- g) **Insurance:** All CDS must have: proof of current and valid vehicle insurance, vehicle registration, general liability insurance, surety bond, and worker's compensation insurance on file with the Department at all times.
 - 1. The Department must be listed on the general liability and vehicle insurance policies as a secondary insured.
 - 2. It is the CDS owner's responsibility to ensure that the insurance company sends the required information to the Department.
 - 3. Failure to provide updated insurance and registration information to the Department within 30 days of expiration is grounds for suspension, and such suspension may be in effect until current insurance and/or registration is received.
 - 4. A CDS is required to provide an inventory of all vehicles used for testing/training, and proof of second brake installation to the Department. Changes to vehicle inventory shall be reported, in writing, to the Department within 30 days of the change.
- h) **Bond:** All CDS's shall maintain a surety bond, executed by a surety company authorized to do business in Colorado, in the amount of \$10,000 with the Department.
 - 1. The bond shall be for the use and benefit of the Department in the event of a monetary loss within the limitations of the bond attributable to the willful, intentional, or negligent conduct of the CDS, or its agents or employees.
 - 2. The bond may be used to indemnify against loss or damage arising out of the CDS's breach of contract between the CDS and the student.
 - 3. If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the CDS's certification shall be suspended. The suspension shall continue until satisfactory steps are taken to restore the original amount of the bond.
 - 4. The Department shall be named as the beneficiary on the bond.
- i) **Physical facilities:** Each CDS requesting certification by the Department must have a place of business with adequate facilities to conduct classes and to maintain all required files and records:
 - 1. All forms issued by the Department shall be kept in locked and limited access areas.

2. A CDS shall obtain written permission from property owners, on a Department approved form, prior to conducting driver education training on the property. The written permission must be submitted to the Department prior to the commencement of training on the property.
 3. Each CDS shall post its hours of operation in a conspicuous place and be available to the public during those hours.
 4. If a CDS uses approved public facilities as a place of business, then commercial driving instructors for the CDS must maintain a copy of the school's CDS certification and classroom waiver in their possession.
- j) A new CDS may not have a name that is substantially similar to a previously certified CDS. The Department reserves the right to determine if a name is substantially similar.
 - k) CDS's shall monitor and ensure their employees are following all rules, regulations, and statutes.
 - l) The Department must receive notice in writing within 3 days of any change in the place of business, directors, owners, or managers of any CDS. Certifications are not transferable.
 - m) If a CDS has a change in ownership, then the new owner must file a new application for certification, sign a new contract with the Department and be approved by the Department before beginning operation under the new ownership. Failure to inform the Department of any ownership change shall be grounds for revocation or suspension of CDS certification.

(201) CURRICULUM

- a) CDS that train using behind-the-wheel ride along, simulator, range driving, or homework, may not use this time towards the 6 hours behind-the-wheel training, but may count 2 hours towards classroom hours.
- b) Any change in a CDS's course of instruction requires resubmission and recertification.
- c) When a course of instruction is submitted for approval, the course of instruction shall include a lesson plan with an instructor guide, course outline, and course content, all in the format required by the Department.
- d) A CDS shall teach the approved course of instruction at all times. Failure to teach the approved course of instruction or changing a course of instruction without prior submission and recertification may result in a suspension or revocation of certification of the CDS.
- e) Driver education courses must be equal to, or exceed the requirements, for hours of instruction (excluding lunches/breaks) and course content as determined by the Department.
- f) The course of instruction requirements for a driver education course, Expanded Driver Awareness program, or behind-the-wheel training are available on the Department's official website.

(202) CURRICULUM WITHDRAWAL

- a) Approval of a CDS's course of instruction may be withdrawn for failure to comply with BOST rules and regulations.
- b) If a CDS is notified that approval for its course of instruction has been withdrawn, the CDS shall cease instructing and signing all forms that allow an applicant to obtain a permit or license.

- c) A CDS may appeal withdrawal of approval for its course of instruction by filing a written appeal within 10 calendar days after receiving notice of withdrawal of approval, with the Department's Hearings Division, whose decision shall be final.

(203) CLASSROOM REQUIREMENTS

- a) With the exception of internet and home study, a CDS must provide a classroom that meets the following requirements:
 - 1. has a large enough space to seat all students comfortably, containing at least one adequate; seating and desk/table space for each student, and one program instructor's desk, table, or podium;
 - 2. has curricula presentation equipment for the class;
 - 3. has appropriate clean restroom facilities; and
 - 4. has adequate parking available in close proximity to the classroom.
- b) Approval of the classroom by the Department is required prior to scheduling the first class.
- c) Modular units must be inspected and approved by the Department prior to any classes being taught at the unit. Motorized mobile units will not be approved.
- d) CDS, EDAP and DAP programs shall not be part of a home, mobile home, apartment, or living quarters of any kind. Classrooms must project a professional image and provide students with the proper learning environment.

(300) COMMERCIAL DRIVING SCHOOL OPERATING REQUIREMENTS

- a) All CDS shall comply with applicable Colorado revised statutes, Department rules and regulations, and BOST standards.
- b) All CDS shall cooperate with any investigation of a written complaint against a tester or a CDS.
- c) While a CDS may provide information to applicants regarding documentation required by the Department for the issuance of instruction permits, licenses, or identification cards, a CDS may not act as a liaison between the applicant and the Department.
- d) All instructors shall be physically and mentally able to safely operate a motor vehicle and to train others in the operation of a motor vehicle.
- e) All employees of a CDS must:
 - 1. have a CBI background check and an original signature on a Department approved form on file with the Department;
 - 2. submit a new background check and an original signature, on a Department approved form, with each renewal packet;
 - 3. submit paperwork for any new hire within 10 days of employment;
 - 4. have a valid Colorado driver's license that has not been suspended, revoked, forfeited, or denied within the last three years; and

5. must ensure that testing/training forms are fully and accurately completed.
- f) If the Department has reason to believe or receives information that an employee has been convicted of or pled guilty or nolo contendere to a felony or received a deferred sentence to a felony charge, the Department may deny certification or suspend or revoke testing certification.
- A CDS must:
1. have a valid tester number on file with the Department; and
 2. account for all forms in his/her possession.
- g) Signing a form that represents confirmation that training/testing has been successfully completed when a student has not successfully completed the testing/training, will result in suspension or revocation of the employee's certification and the certification of the CDS employing the instructor may be suspended or revoked.
- h) If an employee drives with students, the employee may not have a personal driving record showing the accumulation of 8 or more points in the past three-year period. The Department will randomly audit motor vehicle records (MVR) of all CDS employees. If upon random audit, it is determined that an employee has accumulated more than 8 points within a 3-year period his/her license has been suspended, revoked, forfeited, or denied, the employee's certification will be suspended or revoked. If a CDS fails to report a change of status with the driving license of one of its employees, the CDS's certification may be suspended or revoked.
- i) A CDS must notify the Department of the location of all branch offices. Branch opening notices must include copies of the business license(s)/waivers. A notice must be mailed to the Department within 10 days of opening or closing any branch office, and the notice must include the names of all employees to be added or deleted from the CDS's certification and the date the branch office was opened or closed. A branch office is required to meet all classroom and physical facilities requirements applicable to the main facility.
- j) A CDS must keep their current physical and mailing addresses, contact phone numbers, and the name of one contact person on file with the Department.
- k) The Department will not accept forms that show evidence of alteration. Forms containing an alteration shall be voided and a new form issued.
- l) A CDS shall notify the Department in writing within 3 business days of an employee's change of driving status or departure from the CDS.
- m) Home Study programs:
1. must meet minimum curriculum requirements;
 2. must provide, in person or online, a final test that is administered prior to sending a completion statement. Test questions must come from a pool of questions that are scrambled each time a student takes a test or quiz;
 3. must, if the provider is out of state, maintain a satellite office in Colorado containing student files for audits and maintain copies of completion statements with the student files;
 4. must forward completion statements containing an original signature to students (electronic, photocopied or faxed signatures do not meet this requirement); and

5. must NOT issue a completion statement to a student unless the student receives a score of at least 9 correct answers or 80% on the final test.

(301) BEHIND-THE-WHEEL TRAINING

- a) Vehicles used by a CDS for behind-the-wheel instruction must:
 1. be equipped as defined in section 12-15-114 CRS;
 2. be registered and insured as required in article 3 of Title 42 and article 4 of Title 10;
 3. be available for inspection at audit and, if found to be out of compliance with requirements, may result in suspension of certification until such time as requirements are met; and
 4. be available for inspection by the Department prior to certification of a CDS.
- b) All BTW lessons must be in vehicles owned/leased by the CDS. BTW instruction shall not be administered in a student's private vehicle.
- c) Behind-the-wheel training shall be recorded on a Department approved form, which form shall be attached to the BTW completion statement.
- d) If a second student is in the back seat of the vehicle during BTW training, the second student shall not be given credit towards their 6 hours of BTW, and the CDS must have a waiver or stipulation, signed by the parent or guardian of the second student, stating that the parent or guardian is aware the second student will be in a vehicle driven by another student.

(302) INTERNET PROGRAMS

- a) Internet providers shall use the name registered with the Colorado Secretary of State in any advertising within Colorado
- b) Curriculum must equal or exceed the current minimum standards of the Department and be approved by the Department prior to being sold in the State of Colorado.
- c) All out of state Internet providers must enter into a contract in order to be an approved school, but are not eligible to become a BOSTO or basic operator skills tester.
- d) All internet programs must maintain a satellite office in Colorado containing student files for audits. Copies of completion statements must be maintained with the student files.
- e) CDS offering internet programs are required to forward completion statements containing an original signature to students. Electronic, photocopied or faxed signatures do not meet this requirement.
- f) To be eligible for renewal of certification, a CDS offering Internet programs approved by the State of Colorado must issue Affidavits of Completion of a Driver Education course to at least 50 students in the State of Colorado each year.
- g) If a CDS contracts with another CDS to sell an online product, the contract must be submitted to the Department within 10 days of the date on which the contract was fully executed.

- h) The Driver Testing and Education Section (DTES) manager and auditor will be issued a user name and password so random audits of student records, test scores, curriculum, and security protocols can be performed.
- i) All internet material must contain an explanation of current Colorado laws including:
 - 1. teen permit issuance;
 - 2. behind-the-wheel requirements; and
 - 3. requirements for licensure.
- j) Internet programs shall be monitored to ensure applicants had the opportunity to review the curriculum for the required number of hours prior to issuance of a completion statement.
- k) Each internet chapter/section must have a question imbedded within it that does not allow progression if a student does not correctly answer the question pertaining to that chapter/section.
- l) After two failed attempts to pass a test/quiz, students must review previous material.
- m) A final test must be administered prior to sending a completion statement. Test questions must come from a pool of questions that are scrambled each time a student takes a test or quiz.
- n) Students must be shown the correct answers to questions they missed on tests and quizzes prior to re-testing.
- o) Students must receive a score of at least 80% correct answers before being allowed to go to the next module/section, or being issued a completion certificate.

(303) EDAP/DAP PROGRAMS

- a) All entities that teach the Expanded Driver Awareness ("EDAP") program for the purpose of qualifying students for a Colorado instruction permit must be certified as a CDS and meet CDS curriculum and statutory requirements.
- b) An approved Driver Awareness Program (DAP) must be approved through the National Safety Council and remain in good standing with the NSC rules, regulations, and teaching standards, and must be certified as a CDS and meet CDS curriculum and statutory requirements.
- c) Students must be 15 years and 6 months of age before completing an approved Expanded Driver Awareness program or a Driver Awareness Program.
- d) EDAP and DAP completion statements are valid for 6 months from the time of issuance.

(304) ADVERTISING

- a) Advertisements shall not imply that a CDS can issue or guarantee the issuance of a Colorado driver's license or permit.
- b) Advertisements and CDS employees shall not imply that a CDS or the employee has influence over the Department in the issuance of a Colorado driver's license or permit.
- c) No CDS, basic operator skills tester, CDS employee, or CDS agent is permitted to solicit or advertise on the premises of a Colorado driver's license office.

- d) Use of the Colorado State seal by a CDS is strictly prohibited.
- e) CDS cannot advertise a business practice that violates any statute, rule, or regulation.

(305) CONTRACTS

- a) All contracts for driver education and testing between a CDS and any individual or entity must contain, at a minimum, the following:
 - 1. CLASSROOM INSTRUCTION: package rate, the available dates, times and length of each lesson, and the total number of hours of instruction;
 - 2. INTERNET OR HOME STUDY: mandated completion date if any, the total cost, and a telephone contact number for and the times technical and/or informational help is available.
 - 3. BEHIND-THE-WHEEL LABORATORY: package rate, the length of each lesson, the total number of hours, and the rate for any vehicle charges. Cancellation or rescheduling policies must be included in simple language. Contracts shall extend for at least 12 months from the date of permit issuance.
- b) All contracts for driver education and testing must contain:
 - 1. A statement that reads: "This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein are not binding on either the school or the student."
 - 2. A statement that reads: "Under this agreement an instructor may not provide behind-the-wheel training to more than two individual students per session."

(400) CODE OF CONDUCT

- a) Every CDS and its BOST testers, employees, and agents recognize that they have a position of high public trust and agree to adhere to the following code of conduct:
 - 1. Impartially administer all official duties without regard to race, gender, creed, national origin, position or influence.
 - 2. Conduct all examinations in a manner reflecting their importance to public safety.
 - 3. serve the public with all possible promptness and courtesy and not bully, threaten, degrade, put down, or disgrace any student or any other CDS.
 - 4. Refuse any additional payment, bribe or favor.
 - 5. Convey only accurate information to the public with regard to licensing requirements and BOST examinations.
 - 6. Work only by official BOST testing standards – never substituting personal ideas for prescribed methods.
 - 7. Maintain a professional appearance and demeanor.
 - 8. Uphold the honor and dignity of the profession by reporting any fraudulent or illegal activities related to a CDS employee, BOST tester or agent of a CDS.

9. Carry out all duties not specifically covered by this code with the safety and welfare of the public as the controlling motive.

Failure to adhere to the aforementioned standards will result in an investigation and may lead to disciplinary action up to and including curriculum withdrawal, employee or CDS suspension, or revocation.

(500) BOSTO AND BOST CERTIFICATION

- a) A CDS that is listed as a full time school (teaches required curriculum and offers BTW instruction) with the Department may apply to administer BOST tests. Testing must be equal to the training and examination of the Department. Section 42-2-111(1) (b), C.R.S.
- b) Before applying for BOSTO certification, a CDS must submit copies of 25 student classroom completion statements and ten 6-hours BTW completion statements for students under the age of 18 to the Department.
- c) BOSTO certification must be renewed annually before the current certification expires.
- d) To renew a BOSTO certification, a CDS must provide statements reflecting class completion for 50 students and 6-hours BTW completion for 25 students under the age of 18 for the preceding year. Any CDS that does not meet this requirement will have its BOSTO written and drive testing privileges suspended. A CDS may re-apply for testing privileges with the next yearly renewal packet, if the minimum teaching requirements listed above have been met. Rural schools with limited population may apply for a variance.
- e) Owning or operating a CDS does not confer certification to administer the BOST written knowledge or drive test for the State of Colorado. BOST written knowledge or drive tests may only be administered by a CDS certified as BOSTO by the Department.
- f) BOST testers who do not follow Department standards, or who sign completion statements for students who have failed written knowledge or drive tests will have their certification as BOST testers revoked or suspended, and the certification of the CDS employing such BOST testers may be suspended or revoked.
- g) Requests for training and certification as a BOSTO:
 1. must be submitted in writing on a Department approved form;
 2. must list all employees for BOST training and certification;
 3. employees must be at least 21 years of age; and
 4. have a valid Colorado driver license.
- h) All forms submitted for BOSTO certification shall be kept by the CDS in a secure location and remain under the control of the CDS.
- i) Upon successful completion of the driving skills tester training course, and having met all additional company training and Department requirements, the Department may certify the CDS as a BOSTO. The Department will issue a separate BOST number and certification to each employee successfully completing the required training.
- j) A CDS must have at least one employee certified as a BOST tester to maintain BOSTO certification.

- k) In the event the BOSTO certification for a CDS is not renewed, or is revoked or suspended, all individual BOST certifications within that CDS will be cancelled.
- l) A CDS may cancel their BOSTO certification or the BOST certification of any employee by notifying the Department in writing. Cancellation of a certification does not nullify any of the terms of the contract between the CDS and the Department.
- m) CDS must ensure that all their BOST testers continue to meet the training and qualification standards required to conduct BOST tests. Failure of a tester to attend scheduled training may result in suspension of testing privileges.
- n) CDS shall ensure that each BOST tester they employ follows the Department's standards for administering BOST tests.
- o) Written knowledge and driving skill tests administered by BOST testers must be equal to the training and examination conducted by the Department. Section 42-2-111(1)(b) C.R.S.
- p) A CDS suspended from BOST drive testing may also be suspended from written knowledge testing.
- q) A BOST tester may be employed by more than one CDS certified as a BOSTO. A BOST tester employed by more than one CDS certified as a BOSTO will be issued a separate certification number for each CDS employing the BOST tester. A BOST tester certification is valid only while the tester is employed by the CDS listed on the certificate.
- r) The Department reserves the right to retest any student/applicant at any time.
- s) The Department shall issue a unique tester number to each BOST tester. BOST testers shall use only their assigned number. Unauthorized use of certificate numbers will result in revocation or suspension of an individual's BOST certification and may result in revocation of BOSTO certification for the organization employing the BOST tester.
- t) BOST testers shall refer the following applicants to a Colorado driver license office:
 - 1. an applicant requesting a required skills test upon completion of a rehabilitation program;
 - 2. an applicant requesting a drive test after having failed 4 previous drive tests;
 - 3. an applicant requesting a written knowledge test after 2 failed attempts;
 - 4. an applicant currently under restraint action;
 - 5. an applicant requesting a re-exam test;
 - 6. an applicant using a one-day permit; and
 - 7. an applicant unable to produce a photo ID.

(501) THE BOST DRIVE TEST

- a) Drive test routes must be approved by the Department prior to certification of a CDS as a BOSTO. BOST testers shall administer the BOST drive test only on routes approved by the Department for the CDS employing the tester. CDS must request and receive approval from the Department for any changes to an approved drive route prior to administering a road test.
- b) A CDS certified as a BOSTO that has multiple physical locations must request approval for each route prior to testing. Testing on an approved test route must begin from an approved teaching/public location.
- c) Two approved drive test routes are required for each testing location
- d) CDS are required to maintain copies of approved drive routes in their files.
- e) All BOSTO drive testing must be conducted on one of the approved routes. BOST testers must use all routes on a regular basis. Any testing on a route not previously approved may result in suspension or revocation of certification.
- f) Using approved testing routes as a “pre-test” or as BTW practice for students will result in suspension or revocation of the tester(s) certification.
- g) Only BOST testers may administer the drive test and sign the (DR2735) Basic Operators Driving Skill test completion statement. The DR2735 will remain valid for 60 days from the date of completion.
- h) It is the responsibility of the CDS to ensure BOST testers complete all testing forms correctly.
- i) A BOST tester's signature on a driver completion statement constitutes a representation by the BOST tester that the applicant whose name is on the completion statement took and passed the drive test.
- j) All CDS shall hold the State harmless from liability resulting from the CDS's administration of the BOST drive test.
- k) Prior to administering any test, BOST testers shall ensure applicants have, in their immediate possession, a valid permit.
- l) A road test is not allowed if an applicant does not meet statutory licensing requirements. Testing an applicant before they meet the statutory requirement and/or postdating a BOST completion statement constitutes fraudulent activity and is grounds for suspension or revocation of BOST tester certification
- m) BOST testers must verify that any vehicle used for testing:
 - 1. is properly registered and insured. Both the insurance and the registration cards must be in the vehicle and match the vehicle identification numbers;
 - 2. has both front and rear license plates must be attached to the outside of the vehicle; temporary tags must be visible in the back window of the vehicle.
 - 3. has passed a safety inspection to ensure all necessary equipment is in safe operating order, and that the vehicle meets all applicable state statutes for operation on a city street;

4. has been inspected for compliance with this subsection prior to every drive test, regardless of who owns the vehicle; and
 5. is either registered to the CDS as a training vehicle for BTW training or a vehicle provided by the applicant.
- n) Prior to administering a BOST drive test, testers shall complete the information section of the (DR2732) score sheet including the date of the test, the name of the applicant, the vehicle, the organization, the tester information, and, after the instructions have been read, fill in the start time on the score sheet. Once the car has been secured at the end of the test, the finish time and applicant's score shall be written on the score sheet, even if the applicant has failed the test.
 - o) Applicants and testers are prohibited from smoking, drinking, or eating during a drive test. All electronic devices and cell phones must be turned off during the test.
 - p) Testers must conduct a full driving test in accordance with statutes, rules, contract, and BOST standards. All tests shall be recorded on forms provided by the Department.
 - q) BOST drive tests may only be administered during daylight hours.
 - r) After a drive test is completed, testers shall immediately critique the applicant's performance on the test in a location outside of the vehicle. If the applicant is a minor, the critique shall be done in the presence of the parent/guardian if the parent/guardian is present.
 - s) Upon successful completion of a BOST drive test, testers shall complete the DR2735, Basic Operator's Driving Skills Test completion statement. Tester and applicant shall sign the form. Tester shall staple the pink copy of the DR2735 to the score sheet (DR2732).
 - t) BOST testers shall note all failures on an applicant's drive test score sheet and fax or email a failed score sheet to DTES within 24 hours of the test.
 - u) If an applicant fails a drive test, BOST testers are to write "fail" and the date on the back of the applicant's permit with a permanent marker.
 - v) An applicant under 18 years of age holding an out of state instruction permit may take one drive test on the permit if the minor has met the statutory requirements. An applicant 18 years of age or older with an out of state instruction permit may not be tested by a CDS.
 - w) A tester shall not administer more than one complete driving test per day to any applicant. Giving an applicant more than one test per day will result in an automatic suspension.
 - x) No passengers, pets, or interpreters may be in a vehicle during a drive test. Occupants in a vehicle during a driving test are limited to the applicant(s) and the tester, with the following exceptions:
 1. A Department representative when an audit is being performed for quality assurance purposes.
 2. Another BOST tester may be in a vehicle for training and evaluation purposes with prior notification to the Department.

(502) THE BOST WRITTEN KNOWLEDGE TEST

- a) BOST testers administering the written knowledge test shall issue the BOST written knowledge completion statement (DR2238) to the applicant upon successful completion of the written test. The DR2238 form is valid for 30 days from the date of issue. Only certified BOST testers may sign this form.
- b) BOST written knowledge testers:
 - 1. shall administer and proctor tests only at an established place of business;
 - 2. shall ensure that applicants are not to be allowed access to written material, cell phones, or electronic devices while testing;
 - 3. shall require applicants to write their full name, date of birth, and the date of the test in the information box provided on the BOST written knowledge test;
 - 4. shall require a score of 80% or higher (0 to 5 incorrect answers) to pass;
 - 5. shall grade correctly using the score key and a red pen;
 - 6. shall provide only two tests per applicant. If an applicant fails two written tests, all subsequent tests shall be taken at a Department driver license office; and
 - 7. shall ensure that if an applicant fails the first test with the BOST organization, then the second test must be a different version of the first test. If an applicant misses more than 10 questions on a first test attempt, the applicant must wait until the next day to test again.
- c) An applicant's interpreter shall not be allowed to interpret the BOST written knowledge test. The BOST tester can interpret in the required language and only interpret the questions and answer choices.
- d) The BOST written knowledge test shall not be given to any applicant under the age of 14 years and 11 months.
- e) BOST written knowledge tests shall not be used as "practice" or "pre" tests.
- f) BOST written knowledge tests may not be copied outside the physical facilities unless the BOST written knowledge tests remain under the direct supervision and control of a CDS.
- g) Written completion statements shall not be partially or fully completed until after a student has completed and passed the written test.
- h) BOST testers administering the written knowledge test shall periodically check with the Department to confirm they have the most current version of tests/keys.
- i) Tests must be proctored and graded by a BOST tester with a BOST written certification.
- j) The BOST tester signing the DR2238 is responsible for the accurate grading of the test. Tests graded incorrectly may result in a suspension of the signing BOST tester's certification. Repeated incorrect grading of written knowledge tests will result in a revocation of BOST written testing certification.

(503) BOST TESTER REQUIREMENTS

- a) BOST testers shall administer at least a minimum of 24 drive tests per year. Failure to complete the minimum number of tests will result in suspension of a tester's certification.
- b) Only testers certified by the Department to give the BOST drive test are authorized to administer the drive test and sign the BOST completion statement (DR2735).
- c) All BOST testers must have had a valid driver's license for at least 4 years and be at least 21 years of age.
- d) BOST drive testers must attend at least one continuing education class for updated testing practices every two years. Failure to attend a Department continuing education class within a two year period will result in a suspension for the tester until continuing education has been successfully completed. Proof of continuing education must be kept by a CDS in the tester's file for periodic review by the Department.
- e) BOST testers cannot administer any BOST test to a member of their immediate family. "Immediate family" is defined at section 42-1-102(43.5), C.R.S.
- f) A potential BOST tester:
 - 1. must complete and pass the BOST training class;
 - 2. must show proof of four shadow drives on each route the tester will be testing on (all within 3 errors of another certified tester); and
 - 3. must complete all shadow drives within 6 weeks of passing the BOST training class.
- g) To be eligible for a BOST class, a potential BOST tester must have conducted at least 24 hours of BTW training or been employed by the school for at least a year.
- h) Applicants failing the BOST test with a certified tester shall only be re-tested by a different certified tester (unless the Department determines that this would be a hardship).
- i) An expired completion statement (after 60-days) will require the applicant to retake the test.
- j) Postdating, pre-dating, or partially completion of any form is not allowed. A form with only a signature and a tester number on it is a form that may be fraudulently used.

(600) RECORDKEEPING AND REPORTING

- a) CDS shall use only the Department's forms and shall account for all controlled forms issued to them.
- b) Issued forms shall be used in control number order. Each series of assigned completion statements must be completed before a new series is started
- c) Records must be stored securely for a period of three years. Records include all contracts, records of student enrollment, BTW logs, written tests, progress reports, student completion statements, and BOST forms.
- d) After three years all testing records shall be shredded.

- e) All forms issued, including those for passed and failed examinations, shall be logged on a CDS's monthly report.
- f) CDS shall submit monthly reports on Department approved forms. Reports shall be submitted electronically to the Department by the 10th day of each month for the previous month's activity, even if there was no activity. Incomplete reports will not be accepted.
- g) All voided control numbered forms should be logged on monthly reports, filed in numeric order, with a note stating why the document was voided and the number of the replacement form. All replacement forms must be dated using the same date as the original form, with the exception of a drive retest.
- h) Monthly reports submitted by CDS to the Department should report all student and testing activity including, but not limited to, monthly classroom schedules, class completion statements, BTW completion statements, written knowledge completion statements, and drive test completion statements.
- i) CDS and testers are responsible for securing both blank and completed forms.

(700) AUDITING

- a) CDS shall allow the Department to observe classroom instruction and/or BTW training.
- b) CDSs certified as BOSTOs are required to allow onsite inspections, examinations and audits by a Department representative without prior notice in order to:
 1. review student completion statements, BTW logs, BOST written knowledge and drive testing records;
 2. observe classroom instruction;
 3. observe BTW instruction;
 4. Inspect vehicles;
 5. observe and score live road testing by a BOST tester and compare pass/fail scores;
 6. test the skills of BOST testers who administer the drive test; and
 7. audit monthly reports for supporting data, advertising, and continuing education certificates.
- c) A CDS/BOST tester must surrender testing records to the Department upon request. The CDS/BOST tester may make copies and retain copies of such records.
- d) Audits may be conducted at the CDS office, the Department's office, or at another location as determined by the auditor.
- e) To assure that CDS continue to meet the standards established by the Department, a Department representative will conduct on-site or virtual (for internet providers only) compliance inspections as often as the Department deems necessary, to review contracts, student enrollment and progress records, BTW logs, student completion records, classroom facilities, vehicle and testing records. Testing records will be checked for accuracy and completeness, missing or voided records and, in the case of control numbered documents, for numerical filing sequence.

- f) During Department compliance audits, CDS shall cooperate with the Department, allow access to testing areas and routes, and supply student names and testing records, results, and any other items as requested by the Department.
- g) BOST drive testers will be evaluated either during an actual drive test or a drive test with a Department representative as the driver. BOST testers must follow Department procedures, meet Department standards, and must pass the evaluation with a score of 80% or higher. Failure to pass the evaluation will be grounds for the Department to require additional continuing education or suspension of BOST tester certification.
- h) All CDS, BOSTO, and BOST records must be accessible during normal business hours and made available to a Department representative upon request.

(800) CERTIFICATION RENEWAL

- a) CDS curriculum approval and BOST certification are valid from July 1st through June 30th of the following calendar year. The Department shall determine when curriculum review is required. Curriculum review will not be conducted more frequently than annually, unless course content changes.
- b) BOST certifications, CDS certifications as BOSTOs, and CDS contracts with the Department are subject to annual renewal.
- c) Renewal applications are due on June 1 of each calendar year. Applications not received and approved by June 30 will result in placement of a CDS in "not renewed" status, meaning the Department will not honor completion forms or driver education certificates from the CDS.
- d) Incomplete renewal applications shall be returned to a CDS.
- e) Renewals shall include a breakdown of the hourly costs of each package offered by the CDS.

(900) SUSPENSION/ REVOCATION/ CESSATION OF BUSINESS

- a) CDS must return all copies of written knowledge tests and keys, certifications, and any control numbered documents within ten days of cessation of business.
- b) Monthly reports not received by the 10th of the month for the previous month may result in a suspension of testing privileges for 30 days, unless a hardship is determined by the Department.
- c) Refusing to be audited will result in the suspension of a CDS's testing privileges.
- d) Failure of a CDS to address and/or correct problems found in the previous audit may result in suspension of certification.
- e) Fraudulent or criminal activity involving any CDS or CDS employee will be grounds for revocation. Such activity may be reported to appropriate State/Federal authorities.
- f) A CDS or BOST tester supplying false information to the Department will have their CDS certification or BOST tester certification suspended or revoked. Fraudulent testing or the fraudulent use of the forms and/or completion statements shall result in the suspension and/or revocation of BOST certification.
- g) The certification of a CDS, BOSTO, or BOST tester may be suspended or revoked for failure to comply with these rules and regulations, BOST standards, or contract obligations.

- h) Any BOSTO or BOST tester who omits any test requirement from a written knowledge or driving skill test, or participates in any illegal activity related to driver licensing, may be subject to penalties including loss of testing certification, criminal prosecution, and restitution for costs and fees incurred by the test applicant and/or the Department.
- i) Any information concerning illegal or fraudulent activity concerning, but not limited to written knowledge or driving skills testing, will be referred by the Department to the appropriate law enforcement authority.
- j) If an applicant's testing was improper, illegal, or fraudulent, the applicant may have their driver's license canceled. The BOSTO employing the BOST tester administering such test will be liable for the costs associated with retesting.
- k) Repeated violations of these rules and regulations by a CDS, BOSTO, or BOST tester will result in a review of testing privileges by the Department.
- l) The Department may issue a suspension letter to any CDS, BOSTO, or BOST tester if the Department has credible evidence that a CDS or BOST tester has violated the provisions of these rules and regulations, state statutes, or that the public health, safety, or welfare requires emergency action. A suspension letter shall serve as notice to immediately cease testing until an investigation or hearing is complete.
- m) Upon receipt of a suspension letter, a CDS, BOSTO, and/or BOST tester must immediately stop all BOST testing. A CDS, BOSTO, or BOST tester may file a written appeal with the Department's Hearings Division within 10 calendar days after receipt the suspension letter. The decision of the Department's Hearings Division constitutes final agency action.
- n) Written complaints about a CDS, BOSTO, or BOST tester received by the Department regarding the requirements of these rules and regulations may result in an investigation through the Department or the Motor Vehicle Investigative Unit. Section 42-1-222 CRS.
- o) If a CDS is found to be in violation of the terms of its contract with the Department, then the contract between the Department and the CDS may be terminated.

(1000) GRANDFATHER PROVISIONS

Law enforcement agencies and rehabilitation providers who are licensed as BOSTO's are exempt from the requirements for approval as a CDS.

All publications and statutes incorporated by reference in these Rules and Regulations are on file and available for public inspection by contacting the Department of Revenue, Division of Motor Vehicles, Driver Testing and Education Section, 1881 Pierce Street, Room 114, Lakewood, Colorado, 80214. This rule does not include later amendments to or additions of any materials incorporated by reference.

*Materials incorporated by reference may be examined at any State publication depository library.

RULE 16 RULES FOR EXCEPTIONS PROCESSING

Basis, Purpose and Statutory Authority: [Eff. 08/01/2014]

The statutory bases for this regulation are 13-15-101(5)(a), 13-15-102, 24-4-103, 42-1-204 42,1-230, 42-2-107, 42-2-302 and 42-2-136 C.R.S. and applies to documents issued under Title 42, Article 2, Parts 1, 2, 3, and 5.

The purpose of this rule is to set forth regulations for an Exceptions Process and identify the alternate documents the Department will accept. Exceptions Processing is the procedure the Department has established for persons who are unable to meet the minimum requirements for a Colorado driver's license or identification card and need to present alternative documents. For applicants who are U.S. citizens, Exceptions Processing allows for alternative documents to be presented that establish identity, date of birth and U.S. citizenship in lieu of lawful presence. For applicants that cannot demonstrate lawful presence or for applicants that can demonstrate temporary and permanent lawful presence, Exceptions processing allows for alternative documents to be presented that establish identity and date of birth.

1.0 Definitions

- 1.1 Applicant – Any natural person applying as an individual to the Department for a Colorado license or identification card.
- 1.2 Department – The Colorado Department of Revenue.
- 1.3 Document – An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or photocopied documents.
- 1.4 Exceptions Processing – The procedure the Department has established for persons who are unable, for reasons beyond their control, to present all necessary documents and must rely on alternative documents to establish identity, date of birth or U.S. citizenship in lieu of lawful presence.
- 1.5 Full Legal Name – The applicant's first name, middle name(s), last name or surname, without use of initials or nicknames as it appears on the applicant's documents presented upon application.
- 1.6 Identification Card – A document issued by a Department of Motor Vehicles or its equivalent that contains the applicant's full legal name, full facial digital photograph, date of birth, and gender but does not confer upon the bearer the right to operate a motor vehicle.
- 1.7 Identity – The verifiable characteristics that when taken together make a person unique and identifiable. Elements of identity include name, date of birth, and physical characteristics including a verifiable photograph.
- 1.8 Incomplete Application – An application for a driver's license or identification card that does not provide sufficient information or documentary evidence.
- 1.9 Lawful Presence – Demonstration of citizenship in the U.S. or the lawful entry of a non-citizen into the U.S. for an authorized period of time after inspection and authorization by an immigration officer.
- 1.10 License – A driver's license, commercial driver's license, minor driver's license, or instruction permit.

- 1.11 Soundex – A phonetic algorithm for indexing names by sound as pronounced in English so that the representation can be matched despite minor differences in spelling.
- 1.12 SSOLV – The Social Security Online Verification system managed by the Social Security Administration

2.0 Exceptions Processing Procedures

- 2.1 An applicant who has applied for a driver's license or identification card and was unable to provide the required documents may request Exceptions Processing after being issued a Notice of Incomplete Application.
- 2.2 Applicants who are U.S. citizens, Exceptions Processing shall only be used for establishing identity, date of birth and U.S. Citizenship in lieu of lawful presence. For permanent residents in the U.S., Exceptions processing shall only be used for establishing identity and date of birth.
- 2.3 Applicants who are applying for a driver's license or identification card in accordance with the Colorado Road and Community Safety Act, section 42-2-505 and 42-2-506 C.R.S may use Exceptions Processing only for establishing identity and date of birth.
- 2.4 Any source document provided by the applicant that reflects a name differing from the full legal name (for example through marriage, adoption, court order or other mechanism permitted by state law or regulation), the Department shall require evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the Department.
- 2.5 The Department has the authority to correct the spelling of a name if the name correction meets Soundex standards or the name correction is not contrary to the public interest.
 - 2.5.1 If an applicant is seeking a simplified name change to correct minor spelling discrepancies or to harmonize name discrepancies, the applicant shall meet the requirements as set forth in section 13-15-101(5)(a) C.R.S.

2.7 Exceptions processing to establish identity and date of birth for U.S. citizens and non-citizens with lawful permanent residency status.

- 2.7.1 The following documents or combination of documents may be used to establish an applicant's identity and/or date of birth:
 - 2.7.1.1 A U.S. Passport expired no more than ten years.
 - 2.7.1.2 A driver's license or identification card issued by any state, including a state that does not require proof of lawful presence to obtain such document, that either has not expired or that expired within the last ten years.
 - 2.7.1.3 An unexpired military identification card or common access card issued by the U.S. Department of Defense that bears a photograph of the applicant. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.
 - 2.7.1.4 A life, health, or other insurance record that bears the applicant's full legal name, date of birth and place of birth.

- 2.7.1.5 An identification card issued within the last twenty years by the Bureau of Indian Affairs or by a federally recognized Native American tribe and bears a photograph of the applicant.
- 2.7.1.6 A Veteran's Administration card that bears a photograph of the Applicant and was issued within the last twenty years.
- 2.7.1.7 An identity card issued by the Federal Bureau of Prisons or any State Department of Corrections, provided the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant as proof of lawful presence.
- 2.7.1.8 A valid individual Colorado or Federal Tax Return, with an applicant's copy of an Internal Revenue Service form W-2 or 1099. Validity shall be determined using the SSOLV system. If the social security number on the document provided is not validated by the SSOLV system, then the document shall be deemed invalid.
- 2.7.1.9 A Department record of a driver's license or identification card that contains the applicant's facial digital photograph, signature, and fingerprint provided the image, signature and fingerprint match those of the applicant. For the applicant to utilize this provision and for the Department to access the record, the applicant must provide either their Social Security Number or a document identified in sections 2.7.1.1 through 2.7.1.9 of this regulation. The Social Security Number or the information on the document must match the information on the Department's record.
- 2.7.1.10 An Affidavit of Identity that includes the name or names by which the applicant is known and facts indicating that the applicant is a U.S. citizen.
 - 2.7.1.10.1 The affiant must present the affidavit in person, provides identification, and sign the affidavit in the presence of a Department employee.
 - 2.7.1.10.2 The affiant must be an employee of a government or non-profit agency registered by the Department with proof of agency affiliation.
 - 2.7.1.10.3 The Affidavit of Identity shall be used for applicants that can demonstrate U.S. Citizenship.
- 2.7.1.11 Any other document that is secure and verifiable, pursuant to section 24-72-1.10-2(5), as determined by the Department, which establishes evidence of the applicant's identity or date of birth.

2.8 Exceptions processing for U.S. citizens using alternate documents to establish lawful presence.

- 2.8.1 Where an applicant claims to be a U.S. citizen but is unable to produce a U.S. birth certificate to establish U.S. citizenship, the Department has the authority to accept alternative documents to U.S. birth certificates.
 - 2.8.1.1 The following documents or combination of documents may be accepted in support of an applicant seeking to establish U.S. Citizenship:

- 2.8.1.1.1 A certified Order of Adoption of the applicant bearing the seal or certification of the court of any State, political subdivision, or territory of the United States, and which includes the date and location of adoptee's birth within the United States.
- 2.8.1.1.2 A U.S. passport expired no more than ten years.
- 2.8.1.1.3 A city issued birth certificate, hospital birth record, religious records (such as baptismal records) that include the name and date of birth.
- 2.8.1.1.4 Any other secure and verifiable document that may serve to provide evidence of the applicant's lawful presence, if the document also demonstrates U.S. citizenship.

2.9 Exceptions processing to establish identity and date of birth for applicants that cannot demonstrate lawful presence or applicants who can demonstrate temporary lawful presence.

- 2.9.1 The following documents or combination of documents may be used by an applicant to establish identity and/or date of birth:
 - 2.9.1.1 A driver's license or identification card issued by any state, including a state that does not require proof of lawful presence to obtain such document, that has not expired or that has expired within the last ten years.
 - 2.9.1.2 An identification card issued within the last twenty years by the Bureau of Indian Affairs or federally-recognized Native American tribe and bears a photograph of the applicant.
 - 2.9.1.3 A military identification card or common access card issued by the U.S. Department of Defense that contains a photograph of the applicant that has expired within the previous ten years. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.
 - 2.9.1.4 A Veteran's Administration card issued within the last twenty years that bears a photograph of the applicant.
 - 2.9.1.5 An identification card issued by the Federal Bureau of Prisons or any State Department of Corrections provided the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant as proof of lawful presence (where applicable).
 - 2.9.1.6 A life, health, or other insurance record that bears the applicant's name, date of birth, and place of birth
 - 2.9.1.7 Any other document that is secure and verifiable pursuant to 24-72.1-102(5)CRS, which may serve to provide evidence of the applicant's identity or identity as determined by the Department.

2.10 Process for Translation

2.10.1 All documents provided to the Department by the applicant shall be in English or have been translated into English.

2.10.2 The original and corresponding translated documents shall be presented together at the time of application.

2.10.3 All documents translated must have the following included at the end (must be typed or electronically printed on the same page as the translation, not on separate pieces of paper or the translation will not be accepted by the Department):

2.10.3.1 I, _____, affirm that the foregoing is a complete and accurate translation from (insert name of foreign language) _____ to the English language to the best of my ability. I further affirm that I am fully competent to translate from (insert name of foreign language) _____ into the English language and that I am proficient in both languages.

2.10.3.2 The person performing the translation must provide an unexpired driver's license or identification card number and state of issuance. This information shall be included with the applicant's permanent motor vehicle record.

2.10.3.3 Applicants are responsible for all costs of translation.

2.11 If the totality of evidence gathered through Exceptions Processing establishes the applicant's identity, date of birth, SSN, permanent residence and lawful presence (where applicable), the applicant shall be issued a Colorado driver's license or identification card.

2.12 If the totality of evidence gathered through Exceptions Processing does not reasonably establish the applicant's identity, date of birth, SSN, permanent residence and lawful presence (where applicable), the applicant shall be issued a Notice of Denial and thereafter may request a hearing with Hearings Section of the Department.

3.0 Denial of Application

3.1. Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an applicant has presented documents that are fraudulent or that are not secure and verifiable pursuant to section 24-72.1-102(5)CRS.

3.1.1 Nothing in this regulation restricts or prohibits the Department from verifying any documents presented by an applicant.

3.1.2 An application shall be denied if the applicant presents fraudulent or altered documents or commits any other fraud in the application process. If the authenticity of a document cannot be verified, then the application may be considered incomplete and additional documentation may be required.

4.0 Hearing and Final Agency Action

4.1 An applicant who has received a Notice of Denial may, within sixty (60) days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. #106, Lakewood, CO 80214.

4.2 Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act and the provisions of Title 42 of Colorado Revised Statutes.

- 4.3 The only issue at hearing shall be whether the documentation provided by an applicant is sufficient.
 - 4.4 The hearing officer shall issue a written decision within fifteen (15) business days of the completion of the hearing. If the hearing officer finds that the documentation is insufficient, then the denial shall be sustained. If the hearing officer finds that the documentation is sufficient, then the denial shall be rescinded and the Department shall issue the Colorado license or identification card.
 - 4.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review.
-

Editor's Notes

History

Rule 8 recodified from 1 CCR 204-3 eff. 06/30/2014.

Rules 1, 6, 16 emer. rules eff. 08/01/2014.