

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 DOCUMENTS 42-2-501 CRS

Basis, Purpose and Statutory Authority:

The statutory bases for this regulation are C.R.S. 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 identity, date of birth, Colorado residency, and as applicable, temporary lawful presence.

1.0 Definitions

- 1.1 Applicant – Any natural person applying to the Department for a Colorado identification document 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 C.R.S.
- 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 photocopies of 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 Hearing – Hearing before a Department Administrative Hearing Officer.
- 1.8 Identification Card – For the purpose of this rule, 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. Evidence of identity includes proof of name, date of birth, and physical characteristics, including a verifiable photograph.
- 1.10 Incomplete Application – An application for a CO-RCSA driver’s license, instruction permit, or identification card that does not satisfy federal and state requirements for the issuance of a CO-RCSA driver’s license, instruction permit, or identification card.
- 1.11 Individual Taxpayer Identification Number (ITIN) – A tax processing number issued by the Internal Revenue Service.
- 1.12 Temporary Lawful Presence – The status of a person whose authority to lawfully remain in the United States is temporary and who qualifies for a CO-RCSA driver’s license, instruction permit, or identification card.
- 1.13 SAVE – The Department of Homeland Security Systematic Alien Verification for Entitlements system managed by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.

2.0 Qualifications for CO-RCSA Identification Documents

- 2.1 Pursuant to section 42-2-506, C.R.S., individuals claiming to be temporarily lawfully present in the United States who apply for an identification document, 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 In order to prove lawful presence the applicant can provide valid documentary evidence, verified using SAVE, that demonstrates the applicant:
 - 2.1.2.1 Is an alien lawfully admitted for temporary residence in the United States;
 - 2.1.2.2 Has conditional permanent resident status in the United States;
 - 2.1.2.3 Has an approved application for asylum in the United States or has entered into the United States in refugee status;
 - 2.1.2.4 Has a valid, unexpired non-immigrant visa or non-immigrant visa status for entry into the United States;
 - 2.1.2.5 Has a pending application for asylum in the United States;
 - 2.1.2.6 Has a pending or approved application for temporary protected status in the United States;
 - 2.1.2.7 Has approved deferred action status; or

- 2.1.2.8 Provides a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.
- 2.1.3 Present evidence of residency in Colorado.
- 2.2 Pursuant to section 42-2-505, C.R.S., applicants who apply for an identification document, who cannot demonstrate lawful presence in the United States, must:
 - 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 2.2.2 below; and present a certified proof of Colorado income tax return 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 24 months, and present evidence of such residence in Colorado by providing:
 - 2.2.1.2.1 In order to prove that the applicant has continuously resided in Colorado for the immediately preceding 24 months, the applicant must present three documents demonstrating: one for current residency (date on the document must not be older than 12 months from date of application), one for residency from one year prior (date on the document must be later than 12 months, but not later than 23 months prior to the date of application), and one for residency from two years prior (date on the document must be later than 23 months, but not later than 30 months prior to the date of application).
 - 2.2.2 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.
 - 2.2.3 Provide documentation of the applicant's ITIN.
 - 2.2.4 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.
 - 2.2.5 Provide documentation of the applicant's identity and date of birth by presenting one of the following documents, translated into English, from the applicant's country of origin:
 - 2.2.5.1 A passport;
 - 2.2.5.2 A consular identification card; or
 - 2.2.5.3 A military identification document.
 - 2.2.6 The documents in 2.2.5 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.

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- 2.2.7 The documents listed in 2.2.5 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.
- 2.2.8 Applicants shall sign their name, under penalty of perjury, on all required affidavits and documents in the presence of a Department employee.
- 2.3 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.
- 2.4 Applicants may use an interpreter for the written test.
- 2.5 All interpreters for applicants applying for a CO-RCSA driver's license, minor driver's license, or instruction permit must be at least 16 years old and show an unexpired driver's license from any state in the United States.
- 2.6 All interpreters for applicants applying for a CO-RCSA identification card must be at least 16 years old and show unexpired identification document or a driver's license or instruction permit from any state in the United States.
- 2.7 A Colorado street address must be displayed except as provided below:
- 2.7.1 An alternative address may be displayed for individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address.
- 2.7.2 An alternative address may be displayed for individuals who satisfy any of the following:
- 2.7.2.1 If the individual is enrolled in a State address confidentiality program, which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain and use alternative addresses; and provides that the address of such person must be kept confidential, or other similar program; or
- 2.7.2.2 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
- 2.7.2.3 If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- 2.7.3 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.
- 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 An attestation that states: “I, [insert translator’s full name], affirm that the foregoing is a complete and accurate translation from [insert foreign language] to the English language to the best of my ability. I further affirm that I am fully competent to translate from [insert foreign language] to the English language and that I am proficient in both languages.”; and
- 3.3.2 The number and state of issuance of the translator’s unexpired driver’s license, instruction permit, or identification card.
- 3.4 All translated documents and information required by rule 3.3 shall be included in the applicant’s permanent motor vehicle record.
- 3.5 Applicants are responsible for all costs of translation.

4.0 Fee Structure

- 4.1 For those that cannot demonstrate lawful presence, the fee for a CO-RCSA driver’s license or a minor driver’s license is \$79.58, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA instruction permit is \$48.19, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA identification card is \$26.68, which includes an additional fee to cover direct and indirect costs.
- 4.2 For those that can demonstrate temporary lawful presence, the cost for a CO-RCSA driver’s license or minor driver’s license is \$25.00. The cost for a CO-RCSA instruction permit is \$16.80. The cost for a CO-RCSA identification card is \$11.50.

5.0 Renewal

- 5.1 CO-RCSA driver’s licenses and minor driver’s license will expire three years after the date of issuance or 20 days after the 21st birthday of the applicant (whichever comes first).
- 5.2 CO-RCSA instruction permits and identification cards will expire three years after the date of issuance or on the 21st birthday of the applicant (whichever comes first).
- 5.3 Applicants must apply in person to renew a CO-RCSA identification document.

6.0 Process for Complete Application

- 6.1 When an applicant has completed the required application and established the standards set forth in this rule, 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 a temporary CO-RCSA driver’s license, instruction permit, or identification card. The permanent CO-RCSA driver’s license, instruction permit, or identification card will be 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, residency, or lawful presence, the Department may provide a Notice of Incomplete Application.

7.2 The Notice of Incomplete Application shall 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 CO-RCSA driver's license, instruction permit, 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.

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

8.3 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 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 Applicant has satisfied federal and state requirements for the issuance of a CO-RCSA driver's license, instruction permit, or identification card.

9.4 The hearing officer shall issue a written decision. If the hearing officer finds that the applicant has not satisfied federal and state requirements for the issuance of a CO-RCSA driver's license, instruction permit, or identification card, then the denial shall be sustained. If the hearing officer finds that the applicant has satisfied requirements for the issuance of a CO-RCSA driver's license, instruction permit, or identification card, then the denial shall be rescinded and the Department shall issue a CO-RCSA driver's license, instruction permit, or identification card.

9.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

RULE 5 RULES FOR EVIDENCE OF LAWFUL PRESENCE

1. Definitions

1.1 Applicant - Any natural person eighteen years of age or older seeking non-exempt Public Benefits for himself as set forth in §24-76.5-102 and 103 C.R.S.

1.2 Benefit Agency - An agency of the State or of any political subdivision of the State of Colorado, or other organization that administers, determines eligibility for, or assists persons with applying for Public Benefits as defined in §24-76.5-102 C.R.S.

1.3 Department - The Colorado Department of Revenue

- 1.4 Director - The Executive Director of the Colorado Department of Revenue
- 1.5 Request for Waiver - Request form (attached as an exhibit to these rules and incorporated herein) completed by an Applicant or Applicant's representative seeking a determination of lawful presence by the Department. The Request for Waiver must be accompanied by all documents that the Applicant can produce to verify name and proof of lawful presence.
- 1.6 Waiver - An exemption from identification requirements, issued by the Department of Revenue.

2. Identification Documents

- 2.1 A first time Applicant or Applicant seeking to reapply for Public Benefits on or after August 1, 2006 may demonstrate lawful presence by both executing the affidavit required in §24-76.5-103(4)(b) C.R.S. and producing:
- 2.1.1 One of the forms of identification set forth in §24-76.5-103(4)(a) C.R.S. as amended:
- I. A valid Colorado driver's license or a Colorado identification card, issued pursuant to article 2 of title 42, C.R.S., or
 - II. A United States military or a military dependent's identification card, or
 - III. A United States Coast Guard Merchant Mariner card, or
 - IV. A Native American tribal document, or
 - V. A document described in paragraphs 2.1.3 or 2.1.4 below.
- 2.1.2 For purposes of §24-76.5-103(4)(a)(I), a valid Colorado driver's license or identification card includes only a current driver's license, minor driver's license, probationary driver's license, commercial driver's license, restricted driver's license, instruction permit or identification card.
- 2.1.2.1 In the case of a resident of another state, the driver's license or a state-issued identification card from the state of residence, if that state requires that the applicant prove lawful presence prior to issuance of a document.
- 2.1.3 Benefit Agencies may also accept the listed forms of identification published by the Office of the Federal Register, National Archives and Records Administration, in the full Code of Federal Regulations (CFR) governing the specific services provided. In the absence of specific governing CFR regulations, Benefit Agencies shall accept the listed forms of identification published in Attorney General's Order Number 2129-97 *Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, as issued by the Department of Justice, Federal Register, November 17, 1997, Vol.62, No. 221 and which are incorporated by reference. Attachments A and B provide lists of documents acceptable per this federal publication.

Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Director, Motor Vehicle Division, of the Department of Revenue, 1881 Pierce Street, Room 100, Lakewood, Colorado, tele: 303-205-5935 during regular business hours. Copies of materials may also be examined at any state publication depository library. Certified copies shall be provided at cost, upon request.

3. Waiver Process

- 3.1 A first time Applicant or Applicant seeking to reapply for Public Benefits on or after August 1, 2006, may demonstrate lawful presence by executing both the affidavit required in §24-76.5-103(4)(b) C.R.S. and by executing a Request for Waiver. The Request form, seeking a determination of lawful presence by the Department, may be completed by the Applicant or the Applicant's representative. The Request for Waiver must be accompanied by all documents that Applicant is then able to produce to verify name and proof of lawful presence. The Request for Waiver may be filed in person, by mail, or on-line.
- 3.1.1 Benefit Agencies shall refer those Applicants who do not have any identification documents listed in Sections 2.1, 2.1.3, or 2.1.4 to the Department to request a waiver.
- 3.1.2 Upon receipt of a Request for Waiver, the Department will verify lawful presence of the Applicant.
- 3.1.3 The Department shall make a decision approving or denying a waiver within one business day of receipt of the response from federal databases or other verifying entities. Information as to the waiver decision shall be made available to the benefit agency, if known.
- 3.1.4 The following constitute reasons for denial of a waiver:
- 3.1.4.1 The SAVE verification fails to clear the Applicant
- 3.1.4.2 The documents presented by the Applicant cause the Department to reasonably believe that the documents have been tampered with, altered or are not otherwise genuine, or
- 3.1.4.3 The statements and/or documents provided by the Applicant are inconsistent and the Applicant is unable to reasonably explain the inconsistencies.
- 3.1.5 The referring Benefit Agency is responsible for verifying that the Applicant is the same individual indicated as the person who is requesting the waiver.
- 3.1.6 Waivers are assumed to be permanent, but may be rescinded and cancelled if, at any time, the Department becomes aware of the Applicant's violation of immigration laws. Upon making a decision to rescind and cancel a waiver, the Department will notify the Applicant and the appropriate County Department of Human Services.
- 3.1.6.1 Individuals whose waivers are rescinded and cancelled shall have the right to appeal such decision by the Department. Individuals may appeal by requesting a hearing within thirty days of the waiver being rescinded or cancelled by making a written request for hearing to the Hearings Section of the Department at 1881 Pierce St. #106, Lakewood, CO 80214.
- 3.1.6.2 The Hearings Section shall hold the hearing in accordance the provisions of the State Administrative Procedure Act and the provisions of Title 42 of the Colorado Revised Statutes.
- 3.1.6.3 The only issue at hearing shall be whether the applicant has violated immigration laws.

3.1.6.4 The hearing officer shall issue a written decision within fifteen (15) business days of the completion of the hearing, and shall constitute final agency action, and is subject to judicial review as provided by §24-4-106, C.R.S.

3.1.7 Waivers issued by the Department since August 1, 2006, but prior to approval of this rule, will continue in effect unless otherwise rescinded or cancelled by the Department, as authorized in Section 3.1.6.

ATTACHMENT A

The following documents are acceptable as proof of lawful presence pursuant to AG Order Number 2129-97 referenced in 2.1.3. of this rule.

A. Primary Evidence (One document is needed): Identity can be proven by these same documents if they bear a picture of the applicant.

1. Copy of applicant's birth certificate from any state, the District of Columbia and all United States territories.
2. United States Passports, except for "limited" passports, issued for less than five years.
3. Report of Birth Abroad of a United States Citizen, form FS-20.
4. Certificate of Birth issued by a foreign service post (FS-545) or Certification of Report of Birth (DS-1350). These are available from the Department of State.
5. Certification of Naturalization (N-550 or N-570). The N-570 is issued upon loss or damage to the original document or following an individual's name change.
6. Certificate of Citizenship (N-560 or N-561). This document is issued to those persons who derive U. S. Citizenship through a parent. The N-561 is issued upon loss or damage of the original document or following an individual's name change.
7. U. S. Citizen Identification Card (I-97). These were last issued in 1974.
8. Northern Mariana Identification Card. Those born in the Northern Mariana Islands prior to November 3, 1986 were collectively naturalized.
9. Statement provided by a US consular officer certifying that the individual is a US citizen. (This document is provided to an individual born outside the US who derived citizenship through a parent but does not have form FS-240, FS-545 or DS-1350.)
10. American Indian Card with Classification code "KIC" and a statement on the back identifying US Citizen members of the Texas Band of Kickapoos.)

B. Secondary Evidence

If the applicant cannot present one of the documents listed above, the following may be relied upon to establish US citizenship or nationality:

1. Religious records recorded in one of the 50 states, the District of Columbia and U.S. territories, within three months after birth showing that the birth occurred in such jurisdiction and the date of the birth or the individual's age at the time the record was made.

2. Evidence of Civil Service Employment by the US Government before June 1, 1976;
 3. Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth and the names' and places of birth of the parents;
 4. Census record showing name, US citizenship or a US place of birth or age of applicant;
 5. Adoption Finalization Papers showing the child's name and place of birth in one of the 50 states, DC, or US territories or where the adoption is not finalized and the State or other jurisdiction listed above in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions (NOTE: the source of the information must be an original birth certificate and must be indicated in the statement); or
 6. Any other documents that establish a US place of birth or in some way indicates US citizenship.
- C. If an individual is unable to present any of the above documents the following options are available:
1. Accept a written declaration, made under penalty of perjury, and possibly subject to later verification of status, from one or more third parties, indicating a reasonable basis for personal knowledge that the applicant is a US citizen or non-citizen national.
 2. Accept the applicant's written declaration, made under penalty of perjury and possibly subject to later verification of status that he or she is a US citizen or non-citizen national.
- Note: These options (C 1 and C 2) should be used with caution in appropriate circumstances. For example, before using these options a provider might require the applicant to demonstrate why a document evidencing that he or she is a US citizen or non-citizen national does not exist or cannot be readily obtained.

D. Collective Naturalization

If the applicant cannot present one of the documents listed in A or B above, the following will establish US citizenship for collectively naturalized individuals:

1. Puerto Rico (PR):

Evidence of birth in PR on or after April 11, 1899 and the applicants' statement that he or she was residing in the US, a US possession, or PR on January 13, 1941 or

Evidence that the applicant was a PR citizen and the applicant's statement that he or she was residing in PR on March 1, 1917 and that he or she did not take an oath of allegiance to Spain;
2. US Virgin Islands:

Evidence of birth in the US Virgin Islands (VI) and the applicant's statement of residence in the US , a US possession, or the US VI on February 25, 1927;

The applicant's statement indicating residence in the US VI as a Danish citizen on January 17, 1917and that he or she did not make a declaration to maintain Danish citizenship; or

Evidence of birth in the US VI and the applicant's statement indicating residence in the US, US Possession or Territory or the Canal Zone on June 28, 1932.

3. Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands(TTPI):

Evidence of birth in NMI, TTPI citizenship and residence in the NMI, the US, or a US territory or possession on November 3, 1986 (NMI local time)and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

Evidence of TTPI citizenship in the NMI since before November 3, 1981(NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a US citizen.

E. Derivative Citizenship

If the applicant cannot present one of the above documents you should make a determination of Derivative US citizenship in the following situations:

Applicant born abroad to two US citizen parents:

Evidence of US citizenship of the parents and the relationship of the applicant to the parents, and the evidence that at least one parent resided in the US or an outlying possession prior to the applicant's birth.

Applicant born abroad to a US citizen parent and a US non-citizen national parent:

Evidence that one parent is a US citizen and the other is a US non-citizen national, evidence of the relationship of the applicant to the US citizen parent and the evidence the US citizen parent resided in the US, a US possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth

Applicant born out of wedlock abroad to a US citizen mother:

Evidence of US citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the US prior to the applicant's birth or, for births after December 24, 1952, evidence that the mother has resided, prior to the child's birth, in the US or a US possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a US citizen at the time of the applicant's birth;

or

A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a US citizen and employed by the US government or the Panama Railroad Company or its successor in title;

All other situations where an applicant claims to have a US citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:

If the applicant is in the US, refer him or her to the local INS office for determination of US citizenship;

If the applicant is outside the US, refer him or her to the State Department for a US citizenship determination.

F. Adoption of Foreign-Born Child by US Citizen:

If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of US citizenship;

Since foreign born adopted children do not automatically acquire citizenship by virtue of adoption by US citizens, refer the applicant to the local INS district office for a determination of US citizenship if the applicant provides no evidence of US citizenship [the law changed several years ago to allow such children to obtain automatic citizenship].

G. US Citizenship By Marriage

A woman acquired US citizenship through marriage to a US citizen before September 22, 1922.

Note: If the husband was an alien at the time of the marriage and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her citizenship if she was residing in the US at the time and continued to reside in the US.

H. Applicants with Disabilities and Non-discrimination

If an applicant has a disability that limits the applicant's ability to provide the required evidence of citizenship or nationality (e.g. mental retardation, amnesia, or other cognitive, mental or physical impairment), you should make every effort to assist the individual to obtain the required evidence. In addition, you should not discriminate against applicants on the basis of race, national origin, gender, religion, age or disability. See Non-discrimination Advisory, Attachment 2 to Interim Guidance.

ATTACHMENT B

For specific detailed descriptions of the Immigration Documents referred to below see Exhibit A to Attachment 5 of US AG Order.

Instructions:

The documents listed below, will, when combined with satisfactory proof of identity (which will come from the document itself if it bears a photograph of the person to whom it relates), establish that an applicant falls within one of the categories of "qualified alien" for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Each of the documents listed below will demonstrate lawful status and you should not require presentation of a registration document if the applicant presents one of the other legally acceptable documents that reasonably appears on its face to be genuine and to relate to the person presenting it. However, if the document presented is not a registration document and does not on its face reasonably appear to be genuine or to relate to the person presenting it, it is appropriate to ask the applicant to produce his or her registration document as additional evidence of immigration status so long as the request is not made for a discriminatory reason.

Presentation of a registration document listed below that reasonably appears on its face to be genuine and to relate to the person presenting it (or to satisfy higher applicable standards) will often obviate the need to verify the applicant's immigration status with the INS; if the applicant presents a registration document that does not meet this standard, sending the INS a copy of the document will assist it in verifying the applicants' status quickly and accurately.

Alien Lawfully Admitted for Permanent Residence

1. INS Form I-551 (Alien Registration Receipt Card, commonly called or known as a "green card"; or
2. Unexpired Temporary I-551 Stamp in foreign passport or on INS Form I-94.

Asylee

3. INS form I-94 annotated with stamp showing grant of asylum under section 208 of the Immigration and Nationality Act (INA)
4. INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)"
5. INS Form I-776 (Employment Authorization Document) annotated "A5" or
6. Grant Letter from the Asylum Office or INS

Refugee

7. INS Form I-94 annotated with stamp showing admission under Section 207 of the INA
8. INS Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)" or
9. INS Form I-766 (Employment Authorization Document) annotated "A3" or
10. INS Form I-571(Refugee Travel Document).

Alien Paroled into the US for a Least One Year

11. INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA. (Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement).

Alien whose Deportation or Removal Was Withheld

12. INS Form I-688B (Employment Authorization Card) annotated 274a.12(a)(10)
13. INS Form I-766 (Employment Authorization Document) annotated "A10" or

14. Order from an immigration Judge showing deportation withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of the INA

Alien Granted Conditional Entry

15. INS Form I-94 with stamp showing admission under Section 203(a)(7) of the INA
16. INS Form I-688B (Employment Authorization Card) annotated "A3" or
17. INS Form I-766 (Employment Authorization Document) annotated "A3"

Cuban / Haitian Entrant

18. INS Form I-551 (Alien Registration Receipt Card, commonly known as the "Green Card" with the code CU6, CU7, or CH6
19. Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with the code CU6, CU7, or CH6
20. INS Form I-94 with stamp showing parole as "Cuba/Haitian Entrant" under Section 212(d) (5) of the INA

Alien Who has Been Battered or Subjected to Extreme Cruelty

See Attachment 5, Exhibit B, at AG Order No. 2129-97.

The documentation for Violence Against Women Act self-petitioners is the INS issued "Notice of Prima Facie Determination" or "Notice of Approval".

NOTES:

Expired or Absent Documentation

If an applicant presents expired documents or is unable to present any documentation evidencing his or her immigration status, refer the applicant to the local INS office to obtain documentation of status. In unusual circumstances involving applicants who are hospitalized or medically disabled or who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute undue hardship, if the applicant can provide an alien registration number, you may file INS Form G-845 and Supplement, along with the alien registration and a copy of any expired INS document, with the local INS office to verify status.

Receipt for Replacement Document

If an applicant presents a receipt indicating that he or she has applied to the INS for a replacement document for one of the docs identified above, file INS Form G-845 and Supplement with a copy of the receipt with the local INS office to verify status. Upon return receipt of information from INS, confirm that it pertains to the applicant whose identity you have verified. You should ask to see the Replacement at a later date.

Applicants with Disabilities

If an applicant has a disability that limits the applicant's ability to provide the required evidence of immigration status (e.g., mental retardation, amnesia, or other cognitive, mental, or physical impairment), you should make every effort to assist the individual to obtain the required evidence.

In addition you should not discriminate against applicants on the basis of race, national origin, gender, religion, age, or disability.

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

Basis, Purpose and Statutory Authority:

The statutory bases for this regulation are sections 24-4-103, 24-72.1-103, 42-1-204, 42-2-107, 42-2-108, and 42-2-302, C.R.S.

The purpose of this rule is to set forth regulations for the types of documents the Department will accept as proof of the applicant's identity, date of birth, social security number, address of principal residence in Colorado, and U.S. citizenship or permanent lawful presence when applying for a driver's license, instruction permit, or identification card. Additionally, this rule describes the process the applicant will be required to follow for completing the application and what will occur if an application is incomplete or denied, including 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 to the Department for a Colorado driver's license, minor driver's license, instruction permit, 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 photocopies of documents.
- 1.4 Driver's License—A 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 sex, 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. Evidence of identity includes proof of name, date of birth, and physical characteristics, including a verifiable photograph.
- 1.10 Incomplete Application—An application for a Colorado driver's license, instruction permit, or identification card that does not satisfy federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card.

- 1.11 Lawful Presence– The status of a person who demonstrates U.S. citizenship or permanent lawful presence.
- 1.12 SAVE– The Department of Homeland Security Systematic Alien Verification for Entitlements system, managed by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.
- 1.13 SSN – The Social Security Number issued by the U.S. Social Security Administration (SSA).
- 1.14 SSOLV–The Social Security Online Verification system managed by the Social Security Administration (SSA).

2.0 Proof of Identity, Date of Birth, and Lawful Presence

- 2.1 Every application for a Colorado driver’s license, instruction permit, or identification card shall include the applicant’s full legal name, date of birth, sex, SSN, and address of principal residence.
- 2.2 An applicant must provide source documents that are secure and verifiable as defined in section 24-72.1-102(5), C.R.S.
- 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, instruction permit, or identification card except that a Colorado driver’s license, instruction permit, or identification card issued under the Colorado Road and Community Safety Act, section 42-2-501 et seq., 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. 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).
 - 2.3.8 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: A valid unexpired REAL ID driver’s license, instruction permit, or identification card issued in compliance with the standards established by the federal REAL ID Act and verified with the state of issuance, and such other documents as determined by the Department consistent with the REAL ID Act.
- 2.4 If an applicant submits any source document that reflects a name differing from the applicant’s 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 An applicant must present his or her SSA account card; if the SSA account card is not available, the applicant may present any of the following documents bearing the applicant's SSN:

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 A W-2 form,

3.1.2 A SSA-1099 form,

3.1.3 A non-SSA-1099 form, or

3.1.4 A pay stub with the applicant's name and SSN on it.

3.2 An applicant's SSN shall be verified with the SSOLV.

4.0 Address of Principal Residence in Colorado

4.1 To document the address of principal residence in Colorado, an applicant must present at least two documents that include the applicant's name and principal residence. Examples include, but are not limited to: utility bill, credit card statements, pay stub or earnings statement, rent receipt, telephone bill, or bank statement:

4.2 A Colorado street address must be displayed except as provided below:

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

4.2.2 An alternative address may be displayed for individuals who satisfy any of the following:

4.2.2.1 If the individual is enrolled in a State address confidentiality program, which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain and use alternative addresses; and provides that the address of such person must be kept confidential, or other similar program; or

4.2.2.2 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

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

4.2.3 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 established the standards set forth in this rule, 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 Colorado driver’s license, instruction permit, or identification card. The permanent Colorado driver’s license, instruction permit, or identification card will be 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 shall 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 submitted, or the applicant may be referred to Exceptions Processing. An applicant may return to the Department with additional documentation prior to being denied a Colorado driver’s license, instruction permit, or identification card.

6.3 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 U.S. citizenship may request Exceptions Processing.

6.4 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 U.S. citizenship, may request a Notice of Denial and contest the decision through the process described in section 8.0 below.

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 section 24-72.1.102(5), C.R.S.

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

7.3 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 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 applicant has satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card.
- 8.4 The hearing officer shall issue a written decision. If the hearing officer finds that the applicant has not satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card, then the denial shall be sustained. If the hearing officer finds that the applicant has satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card, then the denial shall be rescinded and the Department shall issue the Colorado driver's license, instruction permit, 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 section 24-4-106, C.R.S.

RULE 7 RULES AND REGULATIONS FOR THE COMMERCIAL DRIVER'S LICENSE (CDL) PROGRAM

A. BASIS, PURPOSE, AND STATUTORY AUTHORITY

- (1) The Department is authorized to adopt rules and regulations as necessary for the Commercial Driver's License Program in accordance with sections 24-4-103, 42-2-111(1)(b), 42-2-403, 42-2-114.5, 42-2-406 (3-7), and 42-2-407(8), CRS.
- (2) The purpose of these rules is to ensure compliance with state and federal requirements to promote the safety and welfare of the citizens of Colorado.

B. INCORPORATION BY REFERENCE OF FEDERAL RULES

- (1) Adoption: The Department incorporates by reference the Federal Motor Carrier Safety Regulations ("FMCSR"), 49 CFR parts 171, 172, and 300-399, Qualifications and Disqualification of Drivers, 26 USC Section 501(c), and the Colorado Department of Public Safety, Colorado State Patrol, Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles at 8 CCR 1507.1.
- (2) "49 CFR", when referenced in this rule, means the Federal Regulations published in the Code of Federal Regulations ("CFR"), Title 49, parts 171, 172, and 300-399 (October 1, 2014). The Federal rules and regulations referenced or incorporated in this rule, and 8 CCR 1507-1, are on file and available for inspection by contacting the Driver License Section of the Department of Revenue in person at, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, or by telephone at 303-205-5600, and copies of the materials may be examined at any state publication depository library.

C. DEFINITIONS

- (1) AAMVA: American Association of Motor Vehicle Administrators is a voluntary, nonprofit, tax exempt, educational unit that represents state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws.
- (2) CLP – Commercial Learners Permit: The permit issued by the Department entitling the driver, while having such permit in his/her immediate possession, to drive a commercial motor vehicle of certain classes and/or endorsements upon the highways with a driver that possesses a CDL with the same class and/or endorsements or higher, as the CLP holder.
- (3) CDL Vehicle Class: A group or type of vehicle with certain operating characteristics.

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- (4) C.R.S.: Colorado Revised Statutes.
 - (5) Disqualifications: The suspension, revocation, cancellation, or any other withdrawal by the Department of a person's privilege to drive a CMV or a determination by the FMCSA under the rules of practice for motor carrier safety contained in 49 CFR, that a person is no longer qualified to operate a CMV under 49 CFR; or the loss of qualification that automatically follows conviction of an offense listed in 49 CFR.
 - (6) Designed to Transport: The manufacturer's original rated capacity for the vehicle.
 - (7) Endorsements: The letter indicators below added to a CDL and/or CLP indicate successful completion of the appropriate knowledge, and if applicable, the CDL Skills Test, and allow the operation of a special configuration of vehicle(s):
 - (a) T = Double/triple trailers (not allowed on a CLP per 49 CFR)
 - (b) P = CDL Passenger vehicle
 - (c) N = Tank vehicles
 - (d) H = Hazardous materials (Not allowed on a CLP per 49 CFR)
 - (e) S = School buses
 - (f) X = Combination of tank vehicle and hazardous materials (Not allowed on a CLP per 49 CFR)
 - (g) M = Motorcycle (not allowed on a CLP per 49 CFR)
 - (h) 3 = Three wheel motorcycle (not allowed on a CLP per 49 CFR)
 - (8) Exemptions: Regulatory relief given to a person or class of persons normally subject to regulations without the exception.
 - (9) FMCSA: Federal Motor Carrier Safety Administration is an agency within the USDOT.
 - (10) FMCSR: Federal Motor Carrier Safety Regulations (49 CFR).
 - (11) CDL Skills Test: Means "driving tests" as referenced in section 42-2-402, C.R.S. and consists of the Vehicle Inspection, Basic Control Skills, and the Road Test.
 - (12) GCWR: Gross Combination Weight Rating is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle.
 - (13) Government agency: A state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract cooperation only between or among the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.
 - (14) Intrastate Driver: A driver with a CDL restricted to operating a CMV within the boundaries of Colorado, and not authorized to transport items of interstate commerce or hazardous materials.
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- (15) Interstate Commerce: Trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States), or between two places in a state through another state or a place outside of the United States, or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.
- (16) Interstate Driver: A CDL holder authorized to cross state lines and transport interstate commerce while operating a CMV.
- (17) Intrastate Commerce: Trade, traffic, or transportation in any state that is not described in the term "interstate commerce."
- (18) Knowledge Test: A written test that meets the federal standards contained in 49 CFR.
- (19) Non-Profit: An organization filing with the United States Code 26 USC Section 501(c).
- (20) CDL Passenger Vehicle: For the purposes of this rule, a passenger vehicle designed to transport 16 or more passengers, including the driver.
- (21) Paved Area: For the purpose of this rule, a paved area is a surface made up of materials and adhesive compounds of a sufficient depth and strength that the area provides a durable, solid, smooth surface upon which an applicant may demonstrate basic vehicle control skills.
- (22) Public Transportation Entity: A mass transit district or mass transit authority authorized under the laws of this state to provide transportation services to the general public.
- (23) Restrictions: Prohibits the operation of certain types of vehicles or restricts operating a CMV to within designated boundaries:
- (a) L = No Air Brake equipped CMV
 - (b) K = Intrastate only
 - (c) E = No Manual Transmission
 - (d) M = No Class A Passenger Vehicle
 - (e) N = No Class A and B Passenger Vehicle
 - (f) O = No Tractor-Trailer
 - (g) P = No Passenger
 - (h) X = No Liquid in Tank
 - (i) V = Medical Variance (49 CFR)
 - (j) Z = Restricted from operating a CMV with full airbrakes
- (24) Self Certification Choice:
- **Non-excepted interstate.** A person's certification that he or she operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR, and is required to be medically examined and certified pursuant to 49 CFR.

- **Excepted interstate.** A person's certification must certify that he or she operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR from all or parts of the qualification requirements of 49 CFR, and is therefore not required to be medically examined and certified pursuant to 49 CFR.
- **Non-excepted intrastate.** A person's certification that he or she operates only in intrastate commerce and therefore is subject to Colorado driver qualification requirements.
- **Excepted intrastate.** A person's certification must certify that he or she operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the Colorado driver qualification.

(25) USDOT: United States Department of Transportation.

(26) CSTIMS: Commercial Skills Test Information Management System. Web-based system used by states to manage the CDL Skills Test portion of the CDL process.

D. DRIVER LICENSING REQUIREMENTS

- (1) Each applicant applying for a CDL or CLP must be a resident of Colorado, at least 18 years of age, and comply with the testing and licensing requirements of the Department.
 - (a) The CDL and CLP will indicate the class of license, any endorsements, and any restrictions for that individual. The CDL is valid for the operation of a non-CMV including a motorcycle with the appropriate motorcycle endorsement on the license.
 - (b) A Colorado CDL may be issued upon surrender of a valid CDL from another state without additional testing except that an applicant must test for a hazardous material endorsement and school bus endorsement.
 - (c) An applicant with an out-of-state CLP cannot transfer that CLP to Colorado but must apply for a Colorado CLP and take all applicable CDL knowledge tests (49 CFR).
- (2) Each applicant applying is required to make one of the following applicable self-certifications for the type of commercial driving the individual intends to do (49 CFR):
 - **Non-excepted interstate.**
 - **Excepted interstate.**
 - **Non-excepted intrastate.**
 - **Excepted intrastate.**

(3) Each applicant must meet the medical and physical qualifications under 49 CFR. Each applicant must submit their medical examiner's certificate and if applicable any federal variance or state medical waiver or Skills Performance Evaluation to a Driver License Office (49 CFR).

E. ENDORSEMENTS

(1) T-Double/Triple Trailers: Required to operate a CMV used for drawing two or more vehicles or trailers with a GCWR that is 26,001 lbs. or more and combined GVWR of the vehicles being towed is in excess of 10,000 lbs.

- (2) P-Passenger: Required to operate a vehicle designed by the manufacturer to transport 16 or more passengers, including the driver.
- (3) N-Tank Vehicles: Required to operate a vehicle that hauls liquid or liquid gas in a permanently mounted cargo tank rated at 119 gallons or more or a portable tank rated at 1,000 gallons or more.
- (4) H-Hazardous Materials: Required to transport materials that require the motor vehicle to display a placard pursuant to the hazardous materials regulations.
- (5) S-School Buses: Required to operate a school bus as defined in section 42-1-102(88), C.R.S.
- (6) X-Combination Tank/Hazmat: Required to operate vehicles that meet the definition of (3) and (4) above.

F. RESTRICTIONS

- (1) Intrastate: The letter “K” is added to the CDL of a driver between the ages of 18 through 20, to an individual who has been issued a valid medical waiver from the Colorado State Patrol (8 CCR 1507-1)* or who self-certifies to excepted or not excepted intrastate driving (49 CFR). Under this CDL restriction, the driver must not:

- (a) Operate a CMV outside Colorado state boundaries; or
- (b) Transport interstate commerce as defined in 49 CFR.

*The waiver from Colorado State Patrol is valid only while the driver is transporting commodities OTHER THAN bulk hazardous materials, as defined in 49 CFR or commodities with a hazard class identified in 49 CFR, or commodities subject to the “Poison by Inhalation Hazard” shipping description in 49 CFR.

- (2) Air brake: The letter “L” is added to the CDL/CLP of an individual restricted from operating vehicles equipped with air brakes.
 - (a) An individual may apply for removal of the “L” restriction after having successfully completed the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.
 - (b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the “L” restriction.
- (3) Transmission: The letter “E” is added to the CDL of an individual restricted from operating vehicles equipped with a standard transmission.
 - (a) An individual may apply for removal of the “E” restriction after having successfully completed the CDL Skills Test in a vehicle equipped with a standard transmission that is representative of the CDL vehicle class.
 - (b) When taking the CDL Skills Test in a vehicle equipped with a standard transmission, the applicant must have in his/her immediate possession a CLP without the “E” restriction.
- (4) Class A Bus: The letter “M” is added to the CDL of an individual restricted from operating a Class A Passenger vehicle (49 CFR).

- (a) An individual may apply for removal of the “M” restriction after having successfully completed the CDL Skills Test in a Class A Passenger vehicle.
 - (b) Before taking the CDL Skills Test in a Class A Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the “M” restriction.
- (5) Class B Bus: The letter “N” is added to the CDL of an individual restricted from operating a Class B Passenger vehicle (49 CFR).
- (a) An individual may apply for removal of the “N” restriction after having successfully completed the CDL Skills Test in a Class B Passenger vehicle.
 - (b) Before taking the CDL Skills Test in a Class B Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the “N” restriction.
- (6) No Tractor-Trailer: The letter “O” is added to the CDL of an individual restricted from operating a vehicle equipped with a 5th wheel type coupling system (49 CFR).
- (a) An individual may apply for removal of the “O” restriction after having completed the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system.
 - (b) When taking the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system, the applicant must have in his/her immediate possession a CLP without the “O” restriction.
- (7) No Passengers: The letter “P” is added to the CLP of an individual restricted from operating a Passenger vehicle with Passengers.
- (a) The “P” restriction is removed by successfully completing the CDL Skills Test in a Passenger vehicle.
- (8) No Cargo in a Tank Vehicle: The letter “X” is added to the CLP of an individual restricted from operating a Tank vehicle containing liquid or gas.
- (a) An individual may apply to have the “X” restriction removed after having successfully completed the CDL Skills Test.
- (9) Medical, Variance/Skills Performance Evaluation: The letter “V” will be added to any CLP or CDL for individuals who have been issued a federal medical variance (49 CFR).
- (10) Air brake: The letter “Z” is added to the CDL/CLP of an individual restricted from operating vehicles equipped with full air brakes.
- (a) The “Z” restriction is removed by successfully completing the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.
 - (b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the “Z” restriction.

G. EXEMPTIONS

- (1) FMCSR 49 CFR Applicability: Authorizes the state to grant certain groups exceptions from the CDL requirements.

- (a) FMCSR – 49 CFR: Exception for individuals who operate CMVs for military purposes.
 - (b) FMCSR – 49 CFR: Exception for operators of farm vehicles, as defined at section 42-2-402(4)(b)(III), C.R.S. and firefighters and other persons who operate CMVs that are necessary to the preservation of life or property, or the execution of emergency governmental functions, or that are equipped with audible and visual signals and are not subject to normal traffic regulation.
 - (c) FMCSR – 49 CFR: Exception for drivers employed by an eligible unit of local government, operating a commercial motor vehicle within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, if the properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle or if the employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.
 - (d) FMCSR – 49 CFR: Restricted CDL for certain drivers in farm-related service industries.
- (2) FMCSR 49 CFR specifies the exceptions to the physical qualifications for individuals engaged in custom harvesting operations.

H. ENTITY ELIGIBLE TO APPLY FOR A TESTING UNIT LICENSE

- (1) The Department may authorize a testing unit to administer the CDL Skills Test on behalf of the Department if such training and testing is equal to the training and testing of the Department.
- (2) A Testing Unit must enter into a written contract with the Department and agree to:
 - (a) Maintain an established place of business in Colorado with a vehicle fleet of no less than three CMVs owned, leased or registered to the testing unit, the business owner, or an employee of the business;
 - (b) Maintain an adult education occupational business license with the Division of Private Occupational Schools, a division of the Colorado Department of Higher Education; or
 - (c) Be a government agency, public school district, private or parochial school, or other type of pre- primary, primary, or secondary school transporting students from home to school or from school to home.

I. TESTING UNIT REQUIREMENTS

- (1) An entity must apply for and receive a CDL testing unit license from the Department in order to administer CDL Skills Tests. The CDL testing license expires on June 30th of each year. The licenses for both the testing unit and driving tester(s) must be displayed in the place of business.
 - (a) Testing unit and driving tester license fees are waived for non-commercial testing units and driving testers that only provide public transportation, and that do not test outside of their unit.
 - (b) Public transportation entities that test outside of their unit or that do not provide public transportation only, must submit the appropriate fees.
 - (c) If a license is not renewed on or before June 30th, the initial fees will apply. Testing unit and driving tester license(s) may be suspended or inactivated until appropriate fees and documentation are submitted.

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- (d) Licenses can be renewed up to 60 days prior to June 30th of each year.
 - (2) The testing unit is not permitted to guarantee issuance of a Commercial Driver's License or to suggest that training will guarantee issuance of a Commercial Driver's License.
 - (3) Testing units must only test if they have a current testing unit license issued by the Department.
 - (4) Testing units must ensure that each driving tester has a valid tester license issued by the Department when he or she administers a CDL Skills Test.
 - (5) The testing unit must notify the Department in writing within 3 business days of the termination or departure from the testing unit of any driving tester.
 - (6) A testing unit's place of business must be a separate establishment and may not be part of a home. The unit's physical address must not be a post office box.
 - (7) The testing unit must have written permission from the landowner to administer the CDL vehicle basic control skills exercises on areas not owned by the testing unit. This written permission must be submitted to the Department for approval prior to testing.
 - (8) The testing unit must maintain at least one employee who is licensed as a CDL driving tester.
 - (9) The testing unit must ensure that the unit's driving tester(s) follow the Department's standards for administering the CDL Skills Test.
 - (10) The testing unit must ensure that the unit's driving tester(s) complete all CDL Third Party Testing forms correctly.
 - (11) The testing unit must ensure that the unit's driving tester(s) administer the CDL Skills Test to applicants in a vehicle equal to, or lower than, the class and/or endorsement(s) on applicant's instruction permit or CDL.
 - (12) Once a new tester candidate has passed the required tester training course, the testing unit must ensure that the new tester candidate(s) applies for his/her Third Party Testers license and completes the fingerprint/background check application within thirty (30) days of completing and passing the tester training course. The licensing fees are the responsibility of the tester candidate.
 - (13) The testing unit is responsible for ensuring that driving testers attend all mandated training provided by the CDL Compliance Unit. Failure of driving testers to attend scheduled training may result in the suspension of testing privileges for the testing unit and the tester.
 - (14) The testing unit must schedule all tests utilizing the Commercial Skills Test Information Management System (CSTIMS). The testing unit or driving tester must notify the CDL Compliance Unit of all canceled tests via CSTIMS as soon as the testing unit or driving tester is aware of the cancellation. The testing unit or driving tester must notify the Department of all tests scheduled or schedule changes via CSTIMS at least three (3) days in advance of the test. Tests not administered due to weather conditions or a vehicle failure may be rescheduled with a minimum one (1) day notification by the testing unit.
 - (a) The testing unit is not permitted to schedule an applicant more than once within any three (3) day period.
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- (b) The test must begin within 15 minutes before and no later than 15 minutes after its scheduled time. The test begins when the driving tester reads the Vehicle Inspection Overview to the applicant.
- (15) The testing unit must ensure that the driving tester only issues the Colorado CDL Driving Skill Test Completion form (DR2736) for the class of vehicle in which the applicant has successfully completed the CDL Skills Test.
- (16) The testing unit will allow CDL Skills Test only on Department approved testing areas and routes.
- (17) The testing unit must ensure all three portions of the CDL Skills Test are conducted during daylight hours.
- (18) The testing unit must ensure the vehicle being used for testing does not have any labels or markings that indicate which components are to be inspected by an applicant during the Vehicle Inspection portion of the CDL Skills Test. Manufacturer labels and/or markings are permitted.
- (19) The testing unit must enter into an agreement with the Department containing, at a minimum, provisions that:
 - (a) allow the FMCSA, the Department, and their representatives to conduct random inspections and audits without prior notice;
 - (b) allow the Department to conduct on-site inspections at least annually;
 - (c) require all driving testers to meet the same training and qualifications as state examiners, to the extent necessary to conduct CDL Skills Tests in compliance with these rules and regulations;
 - (d) allow, at least on an annual basis, Department employees to take the tests administered by the testing unit as if the state employee was an applicant, or the Department may test a sample applicant who was tested by the testing unit to compare pass-fail results;
 - (e) reserve to the Department the right to take prompt and appropriate action against any testing unit or driving tester when such driving tester fails to comply with Department or federal standards or any other items of the contract or the rules and regulations; and
 - (f) ensure that driving testers who test applicants from outside the driving tester's unit obtain the AAMVA CDL third party tester certification after completing one (1) full year of testing and renew their certification by December 31st of each year, as required by the Department. AAMVA membership fees are the responsibility of the driving tester.
- (20) A driving tester and a testing unit shall charge fees only in accordance with section 42-2-406, C.R.S. and this rule. A driving tester and a testing unit shall only charge for tests administered.
 - (a) Except as otherwise provided in paragraph (b) of this subsection (20), the maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an applicant is two hundred twenty- five dollars (\$225.00).
 - (b) The maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an employee or volunteer of a nonprofit organization that provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services is one hundred dollars (\$100.00).

- (21) The testing unit must make all CDL testing records available for inspection during normal business hours.
- (22) The testing unit must hold the state harmless from liability resulting from the administration of the CDL program.
- (23) The testing must make annual application for renewal of the unit's testing license and individual driving license(s) before the license expires on June 30th of each year.

J. DRIVING TESTER REQUIREMENTS

- (1) The driving tester must possess a valid USDOT medical card and a valid CDL with the appropriate class and endorsement(s) to operate the vehicle(s) in which the CDL Skills Test is administered.
- (2) The driving tester must conduct the full CDL Skills Test in accordance with Department procedures and must use the Colorado CDL Skill Test Score Form.
- (3) The driving tester must complete all CDL Third Party Testing forms correctly.
- (4) The driving tester must administer all portions of the CDL Skills Test in English.
- (5) Interpreters are not allowed for any portion of the CDL Skills Test.
- (6) The driving tester agrees to hold the State harmless from any liability arising from or in connection with a CDL Skills Test.
- (7) The driving tester must only test if the driving tester has a valid tester license issued by the Department.
- (8) The driving tester must test in the CDL class of vehicle or endorsement(s) group authorized by the Department.
- (9) Prior to administering the CDL Skills Test, the driving tester must ensure that the driver has in his/her immediate possession, a valid USDOT medical card, and a valid CLP for operating the class and endorsement(s) of the vehicle being used for testing.
 - (a) The driving tester must ensure that the instruction permit has been held for at least fourteen (14) days prior to taking the skills test.
 - (b) The driving tester must also ensure the applicant has in his/her immediate possession a valid Driver's License and must compare the photo on the license to the applicant to verify identity.
- (10) Prior to issuing a Colorado CDL Driving Skill Test Completion Form (DR2736), the driving tester must ensure that the applicant has in his/her immediate possession, a valid USDOT medical card, and a valid CLP for operating the class and endorsement(s) of vehicle being used for testing. The driving tester must also ensure the applicant has in his/her immediate possession a valid current Driver's License.
- (11) The driving tester must administer the CDL Skills Test to applicants in a vehicle equal to or lower in class and/or endorsement(s) than the applicant has on his or her CLP.
- (12) The driving tester must administer the CDL Skills Test only on Department approved testing areas and routes.

- (13) The driving tester must administer all three portions of the CDL Skills Test during daylight hours.
- (14) The driving tester must ensure that the vehicle in which the CDL Skills Test will be administered is in proper working and mechanical order.
- (15) A driving tester removed from performing a safety sensitive function must not perform any functions under the CDL Third Party Testing Program.
- (16) The vehicle inspection, the basic vehicle control skills, and the on-road driving test must be administered by the same driving tester in sequential order with no more than a 15-minute break between each portion of the CDL Skills Test. CDL Skills Test must be scheduled to avoid a lunch break.
- (17) The driving tester must be employed by a licensed testing unit prior to attending a new CDL Third Party tester's training class.
- (18) The driving tester must inform the applicant that he/she may be randomly selected for a retest as mandated by 49 CFR. The driving tester must ensure that the applicant reads and signs the DR2736 (Colorado CDL Driving Skill Test Completion form).
- (19) The driving tester may administer CDL Skills Test as an employee of, and on behalf of, the licensed testing unit. The driving tester may administer tests for more than one unit. However the driving tester must be licensed under each unit to conduct testing on its behalf. The driving tester must keep all CDL records separate for each testing unit. License fees must apply.
- (20) If an applicant fails any portion(s) of the CDL Skills Test, he or she must return on a different day and perform all three (3) portions of the CDL Skills Test over again.
- (21) In order to qualify for renewal, the driving tester must administer a minimum of ten (10) CDL Skills Tests with different applicants within the twelve-month period preceding the application for renewal from the Department.
- (22) The driving tester must only issue the Colorado CDL Skills Test Completion form (DR2736) for the class of vehicle in which the applicant has successfully completed the CDL Skills Test.
- (23) Upon leaving a testing unit, the driving tester's license may be transferred to another testing unit within three (3) months. If the driver tester is not employed at a licensed testing unit within three (3) months, the tester will be required to attend a new tester training class in order to be licensed by the Department. All training and license fees will apply and are the responsibility of the tester.
- (24) The driving tester cannot administer the CDL Skills Test to an applicant with whom he/she has conducted in- vehicle skills training.

K. COURSE AND ROUTE REQUIREMENTS

- (1) A testing unit must have a paved area for the CDL vehicle inspection and the basic control skills exercises that is large enough to administer all of the required CDL basic control exercises.
 - (a) Solid painted lines and traffic cones must be used to mark the testing boundaries in accordance with Department standards.
 - (i) Traffic cones used to mark the testing boundaries must be a minimum of twelve inches in height, and the same size traffic cones must be used for each exercise. Traffic cones must be replaced when they no longer retain their original shape and color.

- (b) Boundary lines and cones must be clearly visible in the basic control skill exercise testing area.
 - (i) The testing area boundaries must be cleared of snow, debris, and vehicles that would obstruct the applicant's view during the vehicle control maneuvers.
 - (ii) Testing on dirt, sand, or gravel is not allowed.
- (c) The testing unit must request and receive approval from the Department for any change(s) to the approved road test route prior to administering a CDL road test.

L. RIGHTS

- (1) The driving tester or testing unit may refuse to test an applicant. The driving tester or testing unit contact person must notify the CDL Compliance Unit if an applicant is refused a test and must refer that driver to the CDL Compliance Unit.
- (2) Government driving testers who want to test outside of their governmental testing unit may make a written request to the CDL Compliance Unit, and must receive approval from the CDL Compliance Unit prior to administering CDL Skills Tests.

M. RECORDING AND AUDITING REQUIREMENTS

- (1) An applicant who has successfully completed the CDL Driving Skill Test must be issued the "Colorado CDL Driving Skill Test Completion" form (DR2736). The testing unit and/or driving tester must retain the carbon copy of this form and attach it to all of the applicant's score form(s) for the testing unit's records. This form is not authorization to the applicant to drive unsupervised.
- (2) The CDL Compliance Unit must be notified in writing after an applicant fails the road test portion of the CDL Driving Skills Test. The testing unit or testers must fax or send electronically the failed road test (front and back) score form to the CDL Compliance Unit immediately upon failure.
- (3) The testing unit must maintain all pass/fail records for three years. These must include the CDL Skills Testing records for each applicant tested, the dates of the testing, the applicant's identification information, the vehicle information and the name and state assigned driving tester number for the driving tester who administered the test. If a testing unit is no longer licensed, the unit must return all testing records to the Department within 30 days.
 - (a) After three years, testing units may destroy all pass/fail records (shred, burn).
- (4) A testing unit must enter all (pass and fail) CDL Skills Test results into the CSTIMS (Commercial Skills Test Information Management System) within 24 hours of completion of the test.
- (5) During CDL compliance audits and/or inspections, driving testers must cooperate with the Department and/or FMCSA by allowing access to testing areas and routes, furnishing CDL Skills Testing records and results, and providing other items pertinent to the mandated audit and/or inspection. The driving tester must surrender testing records upon request. The driving tester may make copies and retain copies of such records.
- (6) If the testing unit provided the vehicle for the CDL Skills Test, the testing unit will furnish the vehicle for an applicant driver selected for a retest. No fees, including any vehicle rental fees required for testing, will be collected for this mandatory evaluation. The Department must not be held liable during retests for any damage, injury, or expense incurred.

- (7) If the applicant tested in his/her own vehicle, the applicant will supply the vehicle for any CDL Skills Retest.

N. BOND

- (1) A testing unit that is not an agency of government, or a Colorado school district, must maintain a bond in the amount of \$20,000.00 with the Department pursuant 49 CFR. A surety company authorized to do business within the State of Colorado must execute the bond.

- (a) The bond must 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 testing unit or its agent(s) or employee(s).
- (b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
- (c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.

- (2) A testing unit that is an agency of government, or any Colorado school district, that will administer CDL driving tests outside of their unit, must maintain a bond in the amount of \$5,000.00 with the Department. A surety company authorized to do business within the State of Colorado must execute the bond.

- (a) The bond must 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 testing unit or its agent(s) or employee(s).
- (b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
- (c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.

O. REVOCATION, CANCELLATION, OR SUSPENSION OF TESTING UNITS AND TESTERS.

- (1) The license of a testing unit or driving tester may be suspended or revoked for willful or negligent actions that may include but are not limited to any of the following:

- (a) Misrepresentations on the application to be a testing unit or a driving tester;
- (b) Improper testing and/or certification of an applicant driver who has applied for a CDL;
- (c) Falsification of test documents or results;
- (d) Violations of CDL rules for testing units or driving testers;
- (e) Failure to employ a minimum of at least one licensed CDL driving tester;
- (f) Failure to comply or cooperate in a CDL Compliance audit and record review;
- (g) Violations of the contract terms and conditions;
- (h) For any other violation of this rule or applicable state statute or federal regulation.

- (2) A testing unit or driving tester that is suspended must not perform any duties related to CDL Third Party Testing.
- (3) Summary Suspension: Where the Department has objective and reasonable grounds to believe and finds that a testing unit or driving tester has been guilty of a deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates the findings in its order, it may summarily suspend the license pending proceedings for suspension or revocation which will be promptly instituted and determined. Testing is not permitted while the license is suspended.
- (4) Appeal Process: Any person aggrieved by the denial of issuance, denial of renewal, suspension, or revocation of a testing unit license or driving tester license is entitled to a hearing pursuant to section 42-2-407(7), C.R.S. Except as otherwise provided in paragraph (3) of this subsection O, the request for hearing must be submitted in writing and appropriately labeled, such as "CDL Cease Testing Appeal," to the Department of Revenue, Hearings Division, 1881 Pierce Street, Room 106, Lakewood, Colorado, 80214. Subsequent appeal may be had as provided by law.
- (5) Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Division of Motor Vehicles, Driver License Section of the Department of Revenue, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, 303-205-5600, and copies of the materials may be examined at any state publication depository library.

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 Driving Schools, Commercial Driver Education programs, Basic Operators Skills Testing Organizations, and third party testers.

The rules, regulations and requirements will furnish guidelines as necessary for certified 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: 12-15-114, 116, and 120, 24-4-103, 42-1-102 (43.5), 42-1-204, 42-1-222, 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, Section 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 certified 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 BOSD.
- 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 a certified Commercial Driving School who is certified by the Department for behind-the-wheel training.
- f) **Clock Hours:** Full hour consisting of sixty (60) minutes.
- g) **CMV:** Commercial motor vehicle.
- h) **Certified Commercial Driving School (CDS):** Any business or any person who, for compensation, provides or offers to provide training or examinations that are statutorily-mandated for a driver license or instruction permit. The aforementioned does not include 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, section 42-2-111(1)(b), C.R.S.
- i) **Commercial driving instructor:** An individual employed by a certified Commercial Driving School (CDS) as an instructor 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)(I), 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 drivers 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.
- r) **Service Dogs:** Dogs that are individually trained to do work or perform tasks for people with disabilities. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.

(150) APPLICABILITY

This Rule 8 applies only to CDSs that offer statutorily-mandated examinations or statutorily-mandated training for a driver's license or instruction permit.

(200) GENERAL REQUIREMENTS FOR COMMERCIAL DRIVING SCHOOL CERTIFICATION

- a) In order for a Commercial Driving School to be certified by the Department as a CDS, such school must:
1. Enter into a written contract with the Department;
 2. Offer a commercial driver education course of instruction approved by the Department.
- b) Application for certification must be submitted on forms provided by the Department and must indicate on the form the type of certification being requested.
- c) 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.
- d) A CDS's place of business must be a separate establishment and not part of a residence.
1. All CDSs are required to have a mailing address that is not a post office box.
 2. A CDS must request and receive written approval from the Department for record keeping in a residential home office.
- e) Each new owner/manager must complete "Records Management"/BOSW training prior to certification
- f) **Insurance:** All CDSs 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 must be reported, in writing, to the Department within 30 days of the change.
- g) **Bond:** All CDSs must 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 must 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 BOSTO certification may be suspended. The suspension may continue until satisfactory steps are taken to restore the original amount of the bond.
 4. The Department must be named as the beneficiary on the bond.
- h) **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 must be kept in locked and limited access areas.
 2. A CDS must 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 must 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.
- i) CDSs must monitor and ensure their employees are following all rules, regulations, and statutes.
- j) A CDS must notify the Department in writing within 3 days of any change in the place of business, directors, owners, or managers of any CDS. Certifications are not transferable.
- k) If a CDS has any 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 is grounds for revocation or suspension of CDS certification.
- l) To request certification as a CDS, the CDS must complete and submit a Department approved application form.

(201) CURRICULUM

- a) CDSs 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 up to 2 hours towards classroom hours.
- b) A CDS must offer a thirty (30) hour commercial driver education course of instruction approved by the Department, except that a CDS that provides only EDAP/DAP training need not offer such 30-hour course, but must meet the requirements in section 303 of this rule.
- c) Any change in a CDS's course of instruction requires resubmission and recertification.
- d) When a course of instruction is submitted for approval, the course of instruction must include a lesson plan with an instructor guide, course outline, and course content, all in the format required.
- e) A CDS must 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.

- f) Driver education courses must be equal to or exceed the requirements for hours of instruction (excluding meal times/breaks) and course content as set forth in the Department's application form for CDS certification.
- g) 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 teach the approved content or the required number of hours..
- b) If a CDS is notified that approval for its course of instruction has been withdrawn, the CDS must 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 in writing 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 must not be part of a home, mobile home, apartment, or living quarters of any kind.

(300) CERTIFIED COMMERCIAL DRIVING SCHOOL OPERATING REQUIREMENTS

- a) All CDSs must comply with applicable Colorado revised statutes, Department rules and regulations.
- b) All CDSs must cooperate with any investigation of a 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.

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- d) All instructors must 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. provide a CBI background check and a Department approved form with an original signature;
 2. have a valid Colorado driver license that has not been suspended, revoked, forfeited, or denied within the last three years; and
 3. 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.
- g) A CDS must:
1. have a valid tester number on file with the Department;
 2. account for all forms in its possession;
 3. with each renewal packet, submit on a Department approved form a list of certifications requested for each tester, a CBI background check and every other year an original signature for each tester;
 4. within 10 days of employment submit paperwork on a Department approved form listing the certifications requested (excluding BOSD) for the tester and a CBI background check with an original signature; and
 5. ensure that testing/training forms are fully and accurately completed.
- h) Signing a form that represents that training/testing has been successfully completed, when a student has not successfully completed the testing/training, may result in suspension or revocation of the employee's certification, and the certification of the CDS employing the instructor may be suspended or revoked.
- i) If an employee of a CDS 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 8 or more points within a 3-year period, or his/her license has been suspended, revoked, forfeited, or denied, the employee's certification may 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.
- j) A CDS must notify the Department of the location of all branch offices. Branch opening notices must include copies of the business license(s). 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.

- k) A CDS must keep its current physical and mailing addresses, contact phone numbers, and the name of one contact person who is an employee or principal of the CDS on file with the Department.
- l) The Department will not accept forms that show evidence of alteration. Forms containing an alteration must be voided and a new form issued.
- m) A CDS must notify the Department in writing within 3 business days of an employee's change of driving status or departure from the CDS.
- n) 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's main facility is out of state, maintain a branch 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 correct score of 80% or higher on the final test.

(301) BEHIND-THE-WHEEL TRAINING

- a) Vehicles used by a CDS for behind-the-wheel (BTW) instruction must:
 - 1. be equipped as required in section 12-15-114 C.R.S.;
 - 2. be registered and insured as required in article 3 of title 42 and article 4 of title 10;
 - 3. be available for inspection and 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, or if obtained after certification, be available for inspection prior to use.
- b) All BTW lessons must be in vehicles owned/leased by the CDS. BTW instruction must not be administered in a student's private vehicle.
- c) BTW training must be recorded on a Department approved form, which form must 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 must not be given credit towards his/her 6 hours of BTW; and
- e) The CDS must have a notification with permission, 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.

- f) For a CDS to become certified to teach BTW, a CDS must submit a curriculum on a Department approved form.

(302) CERTIFIED COMMERCIAL DRIVING SCHOOLS OFFERING INTERNET PROGRAMS

- a) CDSs offering internet programs must use the name they registered with the Colorado Secretary of State in any advertising within Colorado
- b) The curriculum of CDSs offering internet programs 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 CDSs offering only internet programs must enter into a contract with the Department and be certified as a CDS, and are not eligible to be certified as a BOSTO or basic operator skills tester.
- d) All CDSs offering internet programs must maintain an office in Colorado containing student files available for audits. Copies of completion statements must be maintained with the student files.
- e) CDSs offering internet programs must provide 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 Department must issue a Department Completion Form for 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 new seller must submit a copy of their executed contract to the Department within 10 days of the date on which the contract was fully executed.
- h) Each CDS must issue the Driver Testing and Education (DTE) manager and auditor 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. minor permit issuance;
 2. behind-the-wheel requirements; and
 3. requirements for licensure.
- j) Internet programs must 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 embedded 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 correct score of at least 80% or higher 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 EDAP/DAP for the purpose of qualifying students for a Colorado minor's instruction permit must be a CDS and except as otherwise provided in subsection 201(b) of this rule, meet CDS curriculum and statutory requirements.
- b) An approved 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 provided by a CDS and meet CDS curriculum and statutory requirements.
- c) Students must be 15 years and 6 months of age before completing an approved EDAP/DAP
- d) EDAP/DAP completion statements are valid for 6 months from the date of issuance.

(304) ADVERTISING

- a) Advertisements must not imply that a CDS can issue or guarantee the issuance of a Colorado driver license or permit.
- b) Advertisements and CDS employees must not imply that a CDS or the employee has influence over the Department in the issuance of a Colorado driver license or permit.
- c) No CDS, basic operator skills tester, BOSTO or CDS employee or agent is permitted to solicit or advertise on the premises of a Colorado driver license office.
- d) Use of the Colorado State seal by a CDS is strictly prohibited.
- e) CDSs must not advertise a business practice that violates any statute, rule, or regulation.

(305) CONTRACTS

- a) All contracts for driver education between a CDS and any individual or entity must contain, at a minimum, the following:
 - 1. CLASSROOM INSTRUCTION: package rate, the available dates or the website where dates can be found, 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 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 must 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) BOSTO AND BOST CERTIFICATION

- a) A CDS that is listed as a full time school (teaches required 30 hours of curriculum and offers 6 hours of BTW instruction) with the Department may apply for certification as a BOSTO. Testing must be equal to the training and examination offered by 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-hour BTW completion statements for students under the age of 18 to the Department.
- c) BOSTO certifications must be renewed annually before the current certification expires.
- d) To renew a BOSTO certification, a CDS must provide documentation demonstrating 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 may have its BOSTO written and drive testing privileges suspended. A CDS may re-apply for testing privileges with their renewal application, if the minimum teaching requirements listed above have been met. A CDS in a rural area 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 can 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 may have their certification as BOST testers revoked or suspended, and the certification of the BOSTO 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; and
 3. each employee seeking training and certification must:
 - i) be at least 21 years of age; and
 - ii) have a valid Colorado driver license.
- h) All forms submitted for BOSTO certification must 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 by a CDS's employee, and a CDS having met all additional company training and Department requirements, the Department may certify a CDS as a BOSTO and a CDS's employee as a BOST tester.
- 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 tester certifications for that BOSTO will be cancelled.
- l) A CDS may request their BOSTO certification or the BOST certification of any employee be canceled 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) CDSs 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) CDSs must 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 may be suspended from BOST drive testing, written knowledge testing or both.
- 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 if an audit indicates that the test was not administered properly or not at all.
- s) The Department must issue a unique tester number to each BOST tester. BOST testers must use only their assigned number. Unauthorized use of a certificate number may result in revocation or suspension of an individual's BOST certification and may result in revocation of BOSTO certification for the CDS employing the BOST tester.
- t) BOST testers must 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 4 failed attempts;
 - 4. an applicant whose driver license is currently under restraint;
 - 5. an applicant with a valid license requesting a test
 - 6. an applicant using a one-day permit; and
 - 7. an applicant unable to produce a photo ID.

(401) THE BOST DRIVE TEST

- a) Drive test routes must be approved in writing by the Department prior to certification of a CDS as a BOSTO. BOST testers must administer the BOST drive test only on routes approved by the Department for the BOSTO employing the tester. BOSTOs must request and receive approval from the Department in writing for any changes to an approved drive route prior to administering a road test.

- b) 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) BOSTOs are required to maintain copies of approved drive routes in their files.
- e) 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 BOST tester certification.
- f) Using approved testing routes as a “pre-test” or as BTW practice for students may 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 180 days from the date of completion.
- h) It is the responsibility of the BOSTO 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 BOSTOs must hold the State harmless from liability resulting from the BOSTO's administration of the BOST drive test.
- k) Prior to administering any test, BOST testers must ensure applicants have a valid driving permit in their immediate possession.
- l) A road test is not allowed if an applicant does not meet statutory licensing requirements. Testing an applicant before they meet the statutory requirements 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 attached to the outside of the vehicle; or temporary tags must be visible in the back window of the vehicle;
 - 3. has passed a safety inspection by the BOST tester to ensure all necessary equipment is in safe operating order, and that the vehicle meets all applicable state statutes for operation on a public roadway;
 - 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 BOSTO as a training vehicle for BTW training or a vehicle provided by the applicant.

- n) Prior to administering a BOST drive test, testers must 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 must 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 must be recorded on forms provided by the Department.
- q) BOST drive tests can only be administered during daylight hours.
- r) After a drive test is completed, testers must immediately critique the applicant's performance on the test in a location outside of the vehicle. If the applicant is a minor, the critique must 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 must complete the DR2735, Basic Operator's Driving Skills Test completion statement. Tester and applicant must sign the form. Tester must staple the pink copy of the DR2735 to the score sheet (DR2732).
- t) BOST testers must 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 with a BOSTO 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 BOSTO.
- w) A tester must not administer more than one complete driving test per day to any applicant. Giving an applicant more than one test per day may result in suspension of the tester's certification.
- x) No passengers, pets (service dogs excluded), 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 may be in the vehicle when an audit is being performed for quality assurance purposes.
 - 2. Another BOST tester may be in the vehicle for training and evaluation purposes with prior notification to the Department.

(402) THE BOST WRITTEN KNOWLEDGE TEST

- a) BOST testers administering the written knowledge test must issue the BOST written knowledge completion statement (DR2238) to the applicant upon successful completion of the written test. The DR2238 form is valid for 180 days from the date of issue. Only certified BOST testers may sign this form.
- b) BOST written knowledge testers:
 - 1. must administer and proctor tests only at an established place of business;

2. must ensure that applicants do not access any unauthorized assistance, including but not limited to, written material, cell phones, or electronic devices, or communicate with any unauthorized person while testing;
 3. must require applicants to write their first and last name(s), date of birth, and the date of the test in the information box provided on the BOST written knowledge test and interpreters, including BOST testers acting as an interpreter, must write their first and last name(s) and driver license number on the back of the test;
 4. must require a correct score of 80% or higher to pass;
 5. must grade correctly using the score key and a red pen;
 6. must provide up to four tests per applicant in total, and no more than two per day. If an applicant fails four written tests, all subsequent tests must be taken at a Department driver license office; and
 7. must ensure that if an applicant fails the first test with the BOST organization, then the second test must be a different version than the first test. If an applicant misses more than 50% of the questions on a first test attempt, the applicant must wait until the next day to test again.
- c) Applicants may use an interpreter for the written test. Any interpreter must be arranged for by the applicant and any cost associated with the use of an interpreter is the responsibility of the applicant.
 - d) An interpreter must be at least 16 years old and show an unexpired driver license from any state in the United States.
 - e) The BOST tester or other interpreter can interpret in the required language and can only interpret the questions and answer choices.
 - f) The BOST written knowledge test must not be given to any applicant under the age of 14 years and 11 months.
 - g) BOST written knowledge tests must not be used as “practice” or “pre” tests.
 - h) 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 BOSTO.
 - i) Written completion statements must not be partially or fully completed until after a student has completed and passed the written test.
 - j) BOST testers administering the written knowledge test must periodically check with the Department to confirm they have the most current version of tests/keys.
 - k) Tests must be proctored and graded by a BOST tester with a BOSW certification.
 - l) 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.

(403) BOST TESTER REQUIREMENTS

- a) BOST testers must administer a minimum of 24 drive tests per year. Failure to complete the minimum number of tests may result in suspension of a tester's certification.
- b) All BOST testers must have had a valid driver license for at least 4 years and be at least 21 years of age.
- c) 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 may result in suspension of a tester's certification until continuing education has been successfully completed. Proof of continuing education must be kept by a BOSTO in the tester's file for periodic review by the Department.
- d) 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.
- e) 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 using for drive tests (all within 3 errors as documented by another certified tester); and
 - 3. must complete all shadow drives within 6 weeks of passing the BOST training class.
- f) 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 BOSTO for at least a year.
- g) Applicants failing the BOST drive test with a BOST tester must only be re-tested by a different BOST tester (unless the Department determines that this would be a hardship).
- h) An expired completion statement, DR 2735 form (after 180-days) will require the applicant to retake the test.

(500) RECORDKEEPING AND REPORTING

- a) CDSs and BOSTOs must use only the Department's forms and must account for all control numbered forms issued to them.
- b) Issued forms must be used in control number order. Each series of assigned completion statements must be completed before a new series is started.
- c) Audited records must be stored securely for a period of three years. Records include all contracts, records of student enrollment, BTW logs, written tests, drive test score sheets, progress reports, student completion statements, and control numbered forms issued by the Department.
- d) Student/parent contracts, progress reports and student enrollment records may be stored electronically after they have been audited.
- e) After three years all testing records must be shredded.
- f) All forms issued, including those for passed and failed examinations, must be logged on a CDS's and BOSTO's monthly report.

- g) CDSs and BOSTOs must submit monthly reports on Department approved forms. Reports must 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.
- h) 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 for drive and written tests must be dated using the same date as the original form.
- i) Monthly reports submitted by a CDS and by a BOSTO 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.
- j) CDSs, BOSTOs, and testers are responsible for securing both blank and completed forms.
- k) Post-dating, pre-dating, or partial completion of any form is not allowed.

(600) AUDITING

- a) CDSs must 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 all required documentation, including, but not limited to, 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 all required documentation to the Department upon request. The CDS/ BOST tester may make copies and retain copies of such documentation.
- d) Audits may be conducted at the CDS's or BOSTO's office, the Department's office, or at another location as determined by the auditor.
- e) To assure that CDSs and BOSTOs continue to meet the standards established by the Department, a Department representative will conduct on-site compliance inspections, as often as the Department deems necessary, to review all required documentation, including but not limited to, contracts, student enrollment and progress records, BTW logs, student completion records, classroom facilities, vehicle, and testing records. Records will be checked for accuracy and completeness, including, but not limited to, missing or voided records and, in the case of control numbered documents, for numerical filing sequence.

- f) During Department compliance audits, CDSs and BOSTOs must 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) CDS records must be accessible during normal business hours and made available to a Department representative upon request.

(700) 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 a CDS's or BOSTO's certification not being renewed and the Department will not honor completion forms or driver education certificates from the CDS or BOSTO.
- d) Incomplete renewal applications shall be returned to the CDS or BOSTO submitting the application.
- e) Renewal applications must include a breakdown of the costs of each package offered by the CDS or BOSTO.

(800) SUSPENSION/ REVOCATION/ CESSATION OF BUSINESS

- a) CDSs and BOSTOs 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 may result in the suspension of a CDS's or BOSTO's training and/or testing privileges.
- d) Failure of a CDS or a BOSTO to address and/or correct problems found in a previous audit may result in suspension of certification. Failure of the Department to take action based on an audit does not waive the Department's authority to take action later based on that audit.
- e) A CDS or BOST tester who supplies false information to the Department may have their CDS certification or BOST tester certification suspended or revoked. Fraudulent testing or the fraudulent use of the forms and/or completion statements may result in the suspension and/or revocation of BOST certification.

- f) 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.
- g) 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 or criminal prosecution.
- h) 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.
- i) If an applicant's testing was improper, illegal, or fraudulent, the applicant may have his/her driver license canceled.
- j) The Department may issue a summary suspension to any CDS, BOSTO, or BOST tester if the Department has objective and reasonable grounds to believe 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 summary suspension shall serve as notice to immediately cease testing and training until an investigation or hearing is complete.
- k) Upon receipt of a summary suspension, a CDS, BOSTO, and/or BOST tester must immediately stop all BOST testing and/or training. Proceedings for a suspension or revocation shall be promptly instituted and determined. The decision of the Department's Hearings Division constitutes final agency action.
- l) 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.
- m) 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.

(900) GRANDFATHER PROVISIONS

Law enforcement agencies and rehabilitation providers who are licensed as BOSTOs 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 13 RULES FOR ACCESS TO AND USE OF IMAGES AND IMAGE COMPARISON TECHNOLOGY

Basis: The statutory basis for this rule is section 42-2-114(1)(a)(IV) and (V), C.R.S.

Purpose: This rule establishes the requirements for access to and use of facial images filed with, maintained by, or prepared by the Department and access to and use of image comparison technology, and limits such access and use to authorized agencies in support of their official functions.

1.0 Definitions

- 1.1 “Image” means a photograph, electronically stored photograph, or digitized photograph showing the face of the licensee, maintained by, or prepared by the Department.
- 1.2 “Image Comparison Technology” means any technology that is utilized to compare biometric data including facial images.

2.0 Permitted Access and Use

- 2.1 The Department shall permit access and use of images only as provided in subsection 42-2-114(1)(a)(IV), C.R.S.
- 2.2 The Department shall permit access and use of image comparison technology only as provided in subsection 42-2-114(1)(a)(V), C.R.S.

3.0 Procedure

- 3.1 An agency authorized in accordance with section 2.0 above, may request access to and/or use of images or image comparison technology. Such request shall be submitted to the Department in a format supplied by the Motor Vehicle Investigations Unit.

RULE 16 RULES FOR EXCEPTIONS PROCESSING

Basis, Purpose and Statutory Authority:

The statutory bases for this regulation are sections 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. This regulation 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, for reasons beyond their control, to present all the necessary documents required for a Colorado or Colorado Road and Community Safety Act driver’s license, instruction permit, or identification card, and must rely on 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 who cannot demonstrate lawful presence or for applicants who can demonstrate temporary or permanent lawful presence, Exceptions Processing allows for alternative documents to be presented that establish identity, and date of birth. For applicants who are homeless, Exceptions Processing allows for an alternative to establish residency.

1.0 Definitions

- 1.1 Applicant – Any natural person applying to the Department for a Colorado license or identification card, or a CO-RCSA document.
- 1.2 CO-RCSA – The Colorado Road and Community Safety Act, section 42-2-501, C.R.S.
- 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 photocopies of documents.

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- 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), 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 sex 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. Evidence of identity includes proof of name, date of birth, and physical characteristics, including a verifiable photograph.
 - 1.10 Incomplete Application – An application that does not satisfy all the federal and state requirements for issuance of a Colorado driver’s license, instruction permit, or identification card, or for issuance of a CO-RCSA identification document.
 - 1.11 Lawful Presence – For the purposes of this rule, the status of a person who demonstrates U.S. citizenship.
 - 1.12 License – A driver’s license, minor driver’s license, or instruction permit.
 - 1.13 Minor Spelling Inconsistencies – Slight variations in the spelling of a name such that the variations are similar in appearance or produce a phonetically similar or identical sound as pronounced.
 - 1.14 SSOLV – The Social Security Online Verification system managed by the Social Security Administration.
 - 1.15 Temporary Lawful Presence – A person whose authority to lawfully remain in the United States is temporary and who qualifies for a temporary identification document card.

2.0 Exceptions Processing Procedures

- 2.1 An applicant who has applied for a driver’s license, instruction permit, 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 For applicants who are U.S. citizens, Exceptions Processing shall only be used to establish identity, date of birth, and U.S. citizenship in lieu of lawful presence.
- 2.3 For applicants with permanent residency status and applicants who are applying for an identification document pursuant to CO-RSCA, Exceptions Processing shall only be used to establish identity and date of birth.
- 2.4 If an applicant submits any source document that reflects a name differing from the applicant’s 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 may resolve minor spelling inconsistencies in, or slight misspellings of, the spelling of a name through Exceptions Processing if the totality of the evidence gathered demonstrates the applicant's identity and the resolution is not contrary to the public interest.

2.6 Exceptions processing to establish identity and date of birth for U.S. citizens.

2.6.1 The following documents or combination of documents may be used to establish an applicant's identity and date of birth:

2.6.1.1 A U.S. Passport expired no more than 10 years.

2.6.1.2 A driver's license, instruction permit, 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 10 years.

2.6.1.3 A military identification card or common access card expired no more than 10 years 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.

2.6.1.4 A life, health, or other insurance record that bears the applicant's full legal name, date of birth, and place of birth.

2.6.1.5 An identification card issued within the last 20 years by the Bureau of Indian Affairs or by a federally recognized Native American Tribe, and verified by the issuing authority, that bears a photograph of the applicant, 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.

2.6.1.6 A Veteran's Administration card that bears a photograph of the Applicant and was issued within the last 20 years.

2.6.1.7 An identity card issued by the Federal Bureau of Prisons or any State Department of Corrections, verified by the issuing authority, 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.

2.6.1.8 A valid individual Colorado (issued by the Department) or federal U.S. income 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.

2.6.1.9 A Department record of a driver's license, instruction permit, 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. The Social Security Number or the information on the document must match the information on the Department's record and be verified with the SSOLV.

2.6.1.10 An Affidavit of Identity that includes the name or names by which the applicant is known.

2.6.1.10.1 The affiant must present the affidavit in person, provide identification, and sign the affidavit in the presence of a Department employee.

2.6.1.10.2 The affiant must be an employee of a government or non-profit agency registered by the Department with proof of agency affiliation.

2.6.1.10.3 The Affidavit of Identity shall be used for applicants who can demonstrate U.S. Citizenship.

2.6.1.11 Any document that is secure and verifiable, pursuant to section 24-72.1-102(5), C.R.S., as determined by the Department, which establishes evidence of the applicant's identity or date of birth.

2.7 Exceptions processing for U.S. citizens using alternate documents to establish U.S. citizenship in lieu of lawful presence.

2.7.1 An applicant may use alternative documents to establish lawful presence, but only if the documents demonstrate U.S. citizenship.

2.7.1.1 The following documents or combination of documents may be accepted in support of an applicant seeking to establish U.S. citizenship:

2.7.1.1.1 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, or a certified Order of Adoption of that applicant bearing the seal or certification of the court where a valid adoption took place abroad, so long as the same adoption was the basis of the applicant's admission into the United States as a legal permanent resident. Any adoption decree must include the date and location of the adoptee's birth.

2.7.1.1.2 A U.S. passport expired no more than 10 years.

2.7.1.1.3 A city issued birth certificate, hospital birth record, religious records (such as baptismal records) that include the name and date of birth.

2.7.1.1.4 Any of the documents listed in 2.6.1 that include a social security number may be used to verify a social security number.

2.7.1.1.5 Any secure and verifiable document that may serve to provide evidence of the applicant's lawful presence, if the document also demonstrates U.S. citizenship.

2.8 Exceptions processing to establish identity and date of birth for non-citizens with permanent lawful presence.

2.8.1 The following documents or combination of documents may be used to establish an applicant's identity and/or date of birth:

2.8.1.1 A driver's license, instruction permit, 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 10 years.

- 2.8.1.2 A military identification card or common access card expired no more than 10 years 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.
- 2.8.1.3 A life, health, or other insurance record that bears the applicant's full legal name, date of birth, and place of birth.
- 2.8.1.4 A Veteran's Administration card that bears a photograph of the Applicant and was issued within the last 20 years.
- 2.8.1.5 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.
- 2.8.1.6 A valid individual Colorado or federal income 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.
- 2.8.1.7 A Department record of a driver's license, instruction permit, or identification card that contains the applicant's full 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. The Social Security Number or the information on the document must match the information on the Department's record.
- 2.8.1.8 Any document that is secure and verifiable pursuant to section 24-72-1-102(5), as determined by the Department, which establishes evidence of the applicant's identity or date of birth.

2.9 Exceptions processing to establish identity and date of birth for applicants who 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, instruction permit, 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 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 10 years. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.
 - 2.9.1.3 A Veteran's Administration card issued within the last 20 years that bears a photograph of the applicant.

- 2.9.1.4 An identification card issued by the Federal Bureau of Prisons or any State Department of Corrections provided that 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.
 - 2.9.1.5 A life, health, or other insurance record that bears the applicant's name, date of birth, and place of birth
 - 2.9.1.6 Any other document that is secure and verifiable pursuant to section 24-72.1-102(5), C.R.S., which may serve to provide evidence of the applicant's identity or identity as determined by the Department.
- 2.10 If the totality of evidence gathered through Exceptions Processing establishes the applicant's identity, date of birth, and U.S. citizenship (where applicable), the applicant shall be issued a Colorado or CO-RCSA driver's license, instruction permit, or identification card.
- 2.11 If the totality of evidence gathered through Exceptions Processing does not reasonably establish the applicant's identity, date of birth, and U.S. citizenship (where applicable), the applicant shall be issued a Notice of Denial and thereafter may request a hearing with Hearings Section of the Department.
- 2.12 Proof of residency documents are waived, if an applicant provides a letter on letterhead, signed by the director of a homeless shelter, certifying that the individual is homeless and stays at the shelter.

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 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):
- 3.3.1 An attestation that states: "I, [insert translator's full name], affirm that the foregoing is a complete and accurate translation from [insert foreign language] to the English language to the best of my ability. I further affirm that I am fully competent to translate from [insert foreign language] to the English language and that I am proficient in both languages" and
 - 3.3.2 The number and state of issuance of the translator's unexpired driver's license, instruction permit, or identification card.
- 3.4 All translated documents and information required by rule 3.3 shall be included in the applicant's permanent motor vehicle record.
- 3.5 Applicants are responsible for all costs of translation.

4.0 Denial of Application

- 4.1 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), C.R.S.

- 4.2 Nothing in this regulation restricts or prohibits the Department from verifying any documents presented by an applicant.
- 4.3 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.

5.0 Hearing and Final Agency Action

- 5.1 An applicant who has received a Notice of Denial may, within 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.
- 5.2 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.
- 5.3 The only issue at hearing shall be whether the applicant has satisfied federal and state requirement for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card.
- 5.4 The hearing officer shall issue a written decision. If the hearing officer finds that the applicant has not satisfied state and federal requirements for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card, then the denial shall be sustained. If the hearing officer finds that applicant has satisfied state and federal requirements for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card, then the denial shall be rescinded and the Department shall issue a Colorado or CO-RCSA driver's license, instruction permit, or identification card.
- 5.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

RULE 17 FEES FOR TESTING AND FOR ISSUANCE OF RECORDS, LICENSES, PERMITS, AND IDENTIFICATION DOCUMENTS BY THE COLORADO DEPARTMENT OF REVENUE

BASIS, PURPOSE, and STATUTORY AUTHORITY

The purposes of this rule are to establish fees collected by the Department of Revenue, Division of Motor Vehicles for testing, and for the issuance of records, licenses, permits, and identification documents. The statutory bases for this regulation are sections: 24-4-103, 24-72.1-103, 42-1-206 (2), 42-2-107, 42-2-114, 42-2-114.5, 42-2-117, 42-2-118, 42-2-127.7, 42-2-133, 42-2-306, and 42-2-406, C.R.S.

* Section (3.8) of this rule addresses a typographical error in section 42-2-114.5, C.R.S. Section 42-2-114.5 (2) (h), C.R.S., incorrectly cites section 42-2-127.7 (4) (b) (II), C.R.S. The correct citation is section 42-2-127.7 (4) (d) (II), C.R.S.

1.0 DEFINITIONS

- 1.1 **CDL:** Commercial Driver's License.
- 1.2 **C.R.S.:** Colorado Revised Statutes.
- 1.3 **Department:** Colorado Department of Revenue.
- 1.4 **Driver's License:** A driver's license, minor driver's license, or instruction permit.

1.5 **Identification Card:** For the purpose of this rule, a document issued by the Division 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 the right to operate a motor vehicle.

2.0 APPLICABILITY

2.1 This Rule applies to specific fees collected on or after the effective date of this rule.

3.0 FEES

3.1 The fee for a driving record under section 42-1-206 (2), C.R.S. is two dollars and sixty cents (\$2.60).

3.2 The fee for a certified driving record under section 42-1-206 (2), C.R.S. is three dollars and twenty cents (\$3.20).

3.3 The application fee for an instruction permit under section 42-2-107, C.R.S. is sixteen dollars and eighty cents (\$16.80).

3.4 The fee for a driver's license or minor driver's license under section 42-2-114 (2) (a) or (4) (a), C.R.S., respectively, is twenty-five dollars (\$25.00).

3.5 The fee for retaking (after initially failing) either of the following examinations under section 42-2-114 (2) (e), C.R.S. is:

3.5.1 Knowledge test - eleven dollars and fifteen cents (\$11.15); and

3.5.2 Demonstration of skills ability - fifteen dollars (\$15.00).

3.6 The fee for a duplicate permit or minor driver's license under section 42-2-117 (1), C.R.S. is:

3.6.1 Nine dollars (\$9.00) for the first duplicate; and

3.6.2 Sixteen dollars (\$16.00) for subsequent duplicates.

3.7 The fee for a driver's license extension under section 42-2-118 (1) (b) (I), C.R.S. is three dollars and sixty cents (\$3.60).

3.8 The fee for the return of a license under section 42-2-127.7 (4) (d) (II), C.R.S. is six dollars (\$6.00).

3.9 The fee for a replacement of a surrendered license under section 42-2-133 (2), C.R.S. is six dollars (\$6.00).

3.10 The fee for issuing or renewing an identification card under section 42-2-306 (1) (a), C.R.S. is eleven dollars and fifty cents (\$11.50).

3.11 The fee for reissuance of an identification card that has been cancelled or denied under section 42-2-306 (1) (b), C.R.S. is twenty dollars (\$20.00).

3.12 The fee for issuance of a commercial driver's license by the Department under section 42-2-406 (1) and (2), C.R.S. is fifteen dollars and fifty cents (\$15.50).

3.13 The fee for the Department's administration of a driving test for licensing a commercial driver under section 42-2-406 (3) (b), C.R.S. is one hundred twenty dollars (\$120.00).

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- 3.14 The annual license fee for a commercial driver's license testing unit's license under section 42-2-406 (4), C.R.S. is:
- 3.14.1 three hundred sixty dollars (\$360.00) for the initial license; and
 - 3.14.2 one hundred twenty dollars (\$120.00) for each subsequent annual license renewal.
- 3.15 The annual license fee for commercial driver's license driving tester's license under section 42-2-406 (5), C.R.S. is:
- 3.15.1 one hundred twenty dollars (\$120.00) for the initial license; and
 - 3.15.2 sixty dollars (\$60.00) for each subsequent annual license renewal.
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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.
Rules 1, 6, 16 eff. 11/14/2014.
Rule 8 emer. rule eff. 03/15/2015.
Rules 7 recodified from 1 CCR 204-12 eff. 06/30/2015. Rule 8 eff. 06/30/2015.
Rules 1 section 4.0, 17 eff. 07/15/2015.
Rule 5 recodified from 1 CCR 201-17 eff. 08/10/2015.
Rule 7 sections A, I(20) eff. 09/30/2015.
Rule 13 recodified from 1 CCR 204-24 eff. 01/30/2016.