



**COLORADO**  
**Department of Revenue**  
Division of Motor Vehicles

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**Colorado Department of Revenue**  
**Division of Motor Vehicles**  
**Adoption of Emergency Rule:**  
**Revised Rule 03, 1 CCR 204-30 – Driver License Re-Examination/Medical Examination**

**Statement of Emergency Justification and Adoption**

Pursuant to sections 24-4-103, 42-1-204 and 42-2-111, C.R.S, I, Heidi Humphreys, Executive Director of the Department of Revenue (“Department”), hereby adopt the aforementioned revised Rule 03, 1 CCR 204-30, which is attached hereto.

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

I find that the immediate adoption of the revision to Rule 03, 3.1, is necessary to reduce or prevent the spread of COVID-19 and to protect public health. Because COVID-19 is contagious through contact with infected persons, I have directed the Department of Revenue, Driver License Section to cease conducting in-person driving examinations to protect public health, safety and welfare. Therefore, the Department’s Driver License offices, which are full-service driver license offices, will not be conducting driving examinations. And drivers seeking re-examination after receipt of a written notice of cancellation from the Department, based on a medical report, may obtain driving examinations only from certified third party testers.

**Statutory Authority**

The statutory authority for this rule is found at subsection 42-2-111, C.R.S.

**Purpose**

The purposes of adopting the revision to Rule 03 on an emergency basis is to allow third party testers, also known as Basic Operator Skills Testers (“BOST Testers”), to administer the driving examination portion of a re-examination.

The revision would allow third party testers to administer the driving examination to drivers seeking re-examination.

It is imperative to revise the rule to allow third party testers to administer the driving examination portion of a re-examination in order to protect public health, safety, and welfare, and also to provide a means for those drivers whose licenses have been cancelled by the Department, based on a medical report, to take and complete the re-examination and, upon successful completion, obtain a valid driver license.

The Department has carried out the permanent rulemaking hearing for Rule 3 as of August 17, 2020. The original emergency rule was adopted May 22, 2020 and expires September 22, 2020. Given that the permanent rule will not take effect for 20 days after the final posting on October 15, 2020 with the Colorado Secretary of State office, we have identified the need for a second emergency rule in order to assure that the emergency rule remains in place until the regular promulgation takes effect.

This emergency rule is effective immediately upon adoption.

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Heidi Humphreys  
Deputy Executive Director  
Colorado Department of Revenue

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Date