



**COLORADO**

**Department of Revenue**

Division of Motor Vehicles

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**Colorado Department of Revenue  
Motor Vehicles Division**

**Emergency Rule**

**Revised Rule 8, 1 CCR 204-30 – Rules and Regulations for the Class R Driver Testing and Education Program**

**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, Interim Executive Director of the Department of Revenue (“Department”), hereby adopt the aforementioned revised Rule 8, 1 CCR 204-30, which is attached hereto.

Section 24-4-103(6), C.R.S., authorizes the Department to issue emergency rules if the Department 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 this revised rule 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 drive skills testing to protect public health, safety and welfare. Therefore, no Driver License section employees are available to conduct in-person drive skills testing.

**Statutory Authority**

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

**Purpose**

The purposes of adopting the revisions to Rule 8 on an emergency basis is to allow Basic Operator Skills Testers (“BOST Testers”) to administer drive skills testing to applicants that BOST Testers are currently required to refer to a Department office for drive skills testing, and to provide a means for these applicants to obtain a driver license.

The revisions would allow BOST Testers to administer drive skills tests to the following: applicants whose driver license is currently under restraint and who seek reinstatement; applicants with a one-day permit; applicants requesting a BOSD after having failed four previous BOSD’s, applicants with an expired temporary permit; and licensed applicants with a letter from the Department requiring a drive test. The revisions also require the applicant’s driver license be validated in the Driver License Record Identification Vehicle Enterprise Solution, (“DRIVES”), statewide system before testing.

It is imperative to revise the rule to allow for BOST Testers to administer driver skills testing to these applicants in order to protect public health, safety and welfare, and also to alleviate the record backlog of driver testing applicants resulting from Department office closures and staffing reductions as a result of COVID-19.

The Department has carried out the permanent rulemaking hearing for Rule 8 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  
Interim Executive Director  
Colorado Department of Revenue

Date