

DEPARTMENT OF REVENUE

Division of Motor Vehicles

1 CCR 204-16 (Recodified as 1 CCR 204-30, Rule 02)-INTERSTATE DRIVER LICENSE COMPACT RULES1 CCR 204-16

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

Rule 02: Interstate Driver License Compact Rule

Basis: These rules are promulgated pursuant to sections 24-4-104, 24-60-1101 et seq., 42-1-204, C.R.S.

~~These rules and regulations are promulgated to implement Article V of the Driver License Compact, 24-60-1101 C.R.S. These rules and regulations shall govern applications for Colorado driver's licenses by persons whose driving privilege is under restraint in another party state.~~

Purpose: The purpose of this rule is to clarify the administrative procedures related to the Driver License Compact when a driver is either applying for a license in a party state, when a conviction is applied to a record in a party state, and the process for a driver to reinstate their driving privilege following a revocation or suspension.

1. DEFINITIONS:

"DMV" means the Department of Revenue, Division of Motor Vehicles for the state of Colorado.

"Revocation" means the administrative action of cancelling an individual's driving privilege for a statutorily prescribed period of time following a conviction as set forth in section 24-60-1101, Article IV. In order to regain their driving privilege, an individual must reapply for a driver license and take all requisite tests.

"Suspension" means the administrative action of removing an individual's driving privilege, following a conviction as set forth in section 24-60-1101, Article IV, for a prescribed period of time or until a specific action is taken. In order to regain their driving privilege, the individual must wait for the defined period of time or complete the actions specified.

A. APPLICATION

~~1. Upon receiving an application for a Colorado driver's license, the Division of Motor Vehicles (DMV) shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by another party state.~~

~~2. If the applicant has held such license but the same has been suspended or revoked by the issuing state, DMV shall not issue a Colorado driver's license to the applicant except as provided herein.~~

~~3. Whenever DMV receives a license application from a person under restraint in a party state, DMV shall issue a written notice of denial to such applicant. The notice shall identify the state(s) where the applicant's privilege is under restraint. The notice shall contain information concerning the applicant's right to a hearing in accordance with 24-4-104 C.R.S. and information on obtaining a Letter of Clearance from the restraining state.~~

2. ~~B.~~ LICENSING OF DRIVERS CURRENTLY UNDER RESTRAINTSUSPENDED OR REVOKED IN ANOTHER-A PARTY STATE

2.1. Whenever the DMV receives a driver license application from a person under revocation or suspension in a party state and, if under suspension the period of suspension has not terminated or if under revocation, it has not been one year from the date of revocation, then the DMV shall issue a written notice of denial to such applicant. The notice shall identify the state(s) where the applicant's privilege is under suspension or revocation. The notice shall contain information concerning the applicant's right to a hearing in accordance with 24-4-104 C.R.S. and that the applicant may contact the party state for more information including obtaining a letter of clearance from the party state issuing the revocation or suspension if applicable.

2.2. Any applicant who is denied a Colorado driver's license ~~because of~~based on thean existing ~~restraint~~revocation or suspension of their license in another party state may request a hearing to determine eligibility for licensing under these rules.

2.3. Upon notification from the Hearings Division that the Hearings Division has received a hearing request from an applicant whose application was denied based on the revocation or suspension of the applicant's license in a party state, ~~the receipt of such hearing request, the Hearing Section shall notify DMV of the pending hearing.~~ DMV shall thereupon acquire the applicant's driving record from the ~~restraining~~ party state and analyze that record, applying Colorado law. ~~For purposes of this analysis, all offenses appearing on the out-of-state record shall be viewed as if they had occurred in Colorado.~~ Analysis of the ~~out-of-party~~ state record ~~as described~~ shall constitute the investigation required in Article V, ~~paragraph 2,~~ of the Driver License Compact ~~as set forth in 24-60-1101 et seq.~~ C.R.S.

2.4. At hearing, the applicant must show that:

- a. At least one year has passed since the ~~out-of-party~~ state license was ~~suspended or~~ revoked, ~~or that the period of suspension on the party state license has terminated;~~
- b. He or she has not driven since the imposition of the ~~suspension or~~ revocation ~~or suspension;~~ and
- c. He or she is now a Colorado resident.
 - i. Residence may be established by such evidence as proof of employment, voter registration, utility bills or other documents which reflect that the applicant resides in Colorado.
- d. Applicant is safe to drive a motor vehicle on the public highways in Colorado and would not endanger the safety of persons or property by driving on the public highways.

2.5. Any evidence of a traffic conviction for an offense occurring ~~after the~~during the period of suspension or revocation ~~effective date~~ shall rebut paragraph 2.4 b. above, and ~~the an~~ applicant shall be required to wait one year from the violation date before applying for a Colorado license under these rules; or until one year after the date of Colorado reinstatement eligibility, whichever is longer.

2.6. DMV shall have the burden at the hearing to show that the applicant is not eligible for licensing based on ~~the its~~ analysis of the ~~applicant's party~~out-of-state driving record.

a. DMV shall present its analysis and calculate the reinstatement eligibility date as determined ~~by the application of~~under Colorado law.

~~to the record.~~

b. In ~~making this calculation~~calculating reinstatement eligibility, the DMV shall credit the length of time spent under the ~~out-of-party state's suspension or revocation restraint~~ to the ~~total time period of restraint-suspension or revocation~~ required under Colorado law.

c. If the calculated reinstatement eligibility date has passed, the applicant shall be eligible to apply for a Colorado driver's license upon the completion of any required reinstatement conditions.

d. If the calculated reinstatement eligibility date is established to be a date in the future, that future date shall be the date upon which the applicant becomes eligible to apply for the Colorado license.

~~e. This date shall be extended for one year in the event of any conviction of a traffic offense in the interim.~~

2.7. If an applicant is not eligible under Colorado law for reinstatement, based on a revocation or suspension in a party state, then the applicant is also not eligible for ~~In no event shall~~any limited driving privilege, such as a probationary or temporary license, ~~be issued to any applicant subject to these rules.~~

2.8. In no event shall a Colorado driver's license be issued to any applicant ~~if the period from less than one year after~~the imposition of a ~~restraint revocation or suspension~~ by a party state is less than one year, or if the period of suspension imposed by a party state has not terminated.

3. REINSTATEMENT IN THE OTHER PARTY STATE

~~1. These rules apply to persons who, at the time of application for a Colorado driver's license, have not reinstated their driving privilege in the restraining state. These rules apply regardless of whether the applicant is eligible to reinstate in the restraining state.~~

3.1. ~~2. In the event that~~if at the time of application the applicant presents a reinstatement order or ~~clearance letter~~letter of clearance from the ~~restraining party state, these rules shall not apply and~~ the application for a Colorado driver license shall ~~be accepted forthwith~~ be processed.

Editor's Notes

History