

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

### **Purpose**

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, residency, and U.S. citizenship or Permanent Lawful Presence when applying for a Driver's License 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.

### **Statutory Authority**

The statutory bases for this regulation are sections 24-4-103, 24-72.1-102(5), 24-72.1-103, 42-1-204, 42-2-107, 42-2-108, and 42-2-302, C.R.S.

### **Incorporation by Reference of Federal Law**

The Department incorporates, as part of Rule 6 of the Department of Revenue Regulations, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, section 384, 110 Stat. 3009 (Sept. 30, 1996), referred to in this Rule 6. Such Act is published by the Department of Homeland Security in full in the United States Statutes at Large, Volume 110, page 3009. Rule 6 does not include any later amendments or editions of such Act.

A copy of such Act is available for a reasonable charge from the Colorado Department of Revenue, 1881 Pierce Street, Lakewood, Colorado 80214. A copy of such Act is maintained by the Colorado Department of Revenue and may be inspected by contacting the Records Custodian at the Colorado Department of Revenue, 1881 Pierce Street, Lakewood, Colorado 80214 during normal business hours. The incorporated material may also be examined at any state publications depository library. A copy, including a certified copy, of such Act is also available from the United States Citizenship and Immigration Services ("USCIS") Historical Reference Library at 111 Massachusetts Avenue NW, First Floor (MS2180), Washington, DC 20529-2180.

### **1.0 Definitions**

- 1.1 Applicant—Any natural person applying to the Department for a Colorado Driver's License or Identification Card who is a U.S. citizen or who can demonstrate Permanent Lawful Presence in the U.S. and residency in Colorado.
- 1.2 Department—The Colorado Department of Revenue.

- 1.3 Document—An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or 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
- 1.6 Full Legal Name –The Applicant's first name, middle name(s), and last name or surname, without use of initials or nicknames.
- 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 Full Legal Name, date of birth, and physical characteristics and must include a verifiable photograph unless approved through Exceptions Processing.
- 1.10 Incomplete Application—An application for a Colorado Driver's License or Identification Card that does not satisfy federal and state requirements for the issuance of a Colorado Driver's License or Identification Card.
- 1.11 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.
- 1.12 Permanent Lawful Presence - The status of a person who is a citizen or nation of the United States, a lawful permanent resident, a conditional lawful permanent resident, an asylee, or a refugee.
- 1.13 SSA – The U.S. Social Security Administration.
- 1.14 SSN – The Social Security Number issued by SSA.
- 1.15 SSOLV—The Social Security Online Verification system managed by SSA.
- 1.16 Travel Document - The Refugee Travel Document issued to a person with refugee or asylum status who wishes to travel outside the United State in order to return to the United States. Similar in appearance to a U.S. passport.
- 1.17 USCIS – United States Citizenship and Immigration Services.

## **2.0 Proof of Identity, Date of Birth, and Permanent Lawful Presence**

- 2.1 Every application for a Colorado Driver's License 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 Permanent Lawful Presence:

- 2.3.1 A valid, unexpired Colorado Driver's License or Identification Card except that a Colorado Driver's License or Identification Card issued under the Colorado Road and Community Safety Act, section 42-2-501 et seq., C.R.S. is not acceptable.
  - 2.3.2 A valid, unexpired U.S. passport verified using U.S. Passport Verification Services.
  - 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 USCIS, a valid or less than 10 years expired foreign passport with an I-551 ADIT (Alien Documentation, Identification and Telecommunication) stamp, a valid foreign passport with DHS stamped US visa showing admittance as a permanent resident for 1 year, or an expired I-551 card with an I-797 notice showing an unexpired extension, verified by SAVE.
  - 2.3.6 A Certificate of Naturalization issued by DHS or USCIS (Form N-550 or N-570), verified by SAVE.
  - 2.3.7 A Certificate of Citizenship issued by DHS or USCIS (Form N-560 or N-561), verified by SAVE.
  - 2.3.8 A valid unexpired Driver's License or Identification Card verified with the state of issuance.
  - 2.3.9 An unexpired foreign passport accompanied by a valid I-94 demonstrating approved refugee or asylee status, a valid I-94 demonstrating approved refugee or asylee status with DHS-attached photo less than 20 years old, or a valid I-94 demonstrating approved refugee or asylee status with a Travel Document, verified by SAVE.
  - 2.3.10 Such other Documents as determined by the Department consistent with the REAL ID Act.
- 2.4 To establish a name other than the name that appears on a source Document (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 provide his or her SSN.
- 3.2 An Applicant's SSN shall be verified using 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 address of 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 on the Driver's License or Identification Card except as provided below:

4.2.1 An alternative address may be displayed for individuals for whom a State law, regulation, or the procedures of the Department permit 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 is entitled to have their address 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 Qualifications for Issuance of a Duplicate Driver's License**

5.1 Applicants may apply for a duplicate of an existing Driver's License as provided below:

5.1.1 Applicants may appear in person and certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed by completing the "Request for Duplicate Instruction Permit/Driver's License" (DR2989) form provided by the Department.

5.1.2 Applicants may submit, by mail, the "Request for Duplicate Instruction Permit/Driver's License" (DR2989) form provided by the Department on which the Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.

5.1.3 Eligible Applicants may submit an electronic application, on which the Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.

## **6.0 Electronic Applications**

6.1 The Department may accept electronic applications for services provided electronically.

6.2 The Department may accept an application electronically if the Applicant's fingerprint was captured as part of a previous application.

- 6.3 The Department may accept an application electronically if a signature was captured as part of a previous application and if the Applicant verifies the information on the application.

## **7.0 Process for Complete Application**

- 7.1 When an Applicant has completed the required application and met the standards established in this rule, 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. A temporary Colorado Driver's License or Identification Card will be issued. The permanent Colorado Driver's License or Identification Card will be mailed to the Applicant at the address provided on the Applicant's application.

## **8.0 Process for Incomplete Application**

- 8.1 If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, Permanent Lawful Presence, and residency in Colorado, the Department shall provide a Notice of Incomplete Application unless the Department provides a Notice of Denial per section 9.0 below.
- 8.2 The Notice of Incomplete Application shall include a notation of the information that is incomplete or of the documentation that is unverifiable. 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 additional documentation prior to being denied a Colorado Driver's License or Identification Card.
- 8.3 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 Permanent Lawful Presence, may proceed with Exceptions Processing.
- 8.4 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, Permanent Lawful Presence, and residency may request a Notice of Denial and contest the decision through the process described in section 9.0 below.

## **9.0 Denial of Applications**

- 9.1 If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, Permanent Lawful Presence, and residency, the Department may provide a Notice of Denial.
- 9.2 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.
- 9.3 Nothing in this regulation restricts or prohibits the Department from verifying any Document presented by an Applicant.

- 9.4 An application shall be denied if the Applicant presents fraudulent or altered Documents or commits any other fraud in the application process.

#### **10.0 Hearing and Final Agency Action**

- 10.1 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 the address specified on the Notice of Denial.
- 10.2 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.
- 10.3 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 or Identification Card.
- 10.4 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 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 or Identification Card, then the denial shall be rescinded and the Department shall issue the Colorado Driver's License or Identification Card.