

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0325.02 Nicole Myers x4326

SENATE BILL 21-159

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Pelton,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION OF THE ELECTRONIC TRANSFER OF
102 CERTAIN PERSONAL INFORMATION COLLECTED BY STATE
103 AGENCIES FROM OFFICIAL RECORDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law authorizes the department of revenue (department) to make bulk electronic transfers, for a fee, of certain information obtained from applications for driver's licenses, motor vehicle registrations, motor vehicle titles, identification cards, and other official records and documents. The bulk electronic transfers are made to users and vendors

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

who are permitted to transfer or resell such information.

Notwithstanding the provisions of the federal "Driver's Privacy Protection Act of 1994", the bill prohibits the department from making bulk electronic transfers of information collected by the department to primary users and vendors who transfer or resell such information.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-206, **amend**
3 (1)(b)(II); **repeal** (3.7); and **add** (3.8) as follows:

4 **42-1-206. Records open to inspection - furnishing of copies -**
5 **rules.** (1) (b) (II) The department or an authorized agent shall require any
6 person, other than a person in interest as defined in section 24-72-202 (4),
7 ~~€.~~R.S., or a federal, state, or local government agency carrying out its
8 official functions, requesting inspection of a AN INDIVIDUAL motor
9 vehicle or driver record from the department or agent ~~individually or in~~
10 ~~bulk~~, to sign a requester release form and, under penalty of perjury, an
11 affidavit of intended use prior to providing the record to such person. The
12 department or authorized agent may allow inspection of motor vehicle
13 and driver records only as authorized under section 24-72-204 (7). ~~€.~~R.S.

14 ~~(3.7) (a) The department shall establish a system to allow bulk~~
15 ~~electronic transfer of information to primary users and vendors who are~~
16 ~~permitted to receive such information pursuant to section 24-72-204 (7);~~
17 ~~€.~~R.S. Bulk transfers to vendors shall be limited strictly to vendors who
18 transfer or resell such information for purposes permitted by law. Such
19 information shall consist of the information contained in a driver's license
20 application under section 42-2-107, a driver's license renewal application
21 under section 42-2-118, a duplicate driver's license application under
22 section 42-2-117, a commercial driver's license application under section
23 42-2-403, an identification card application under section 42-2-302, a

1 ~~motor vehicle title application under section 42-6-116, a motor vehicle~~
2 ~~registration application under section 42-3-113, or other official record~~
3 ~~or document maintained by the department under section 42-2-121.~~

4 ~~(b) The department shall promulgate rules governing annual~~
5 ~~contracts with primary users and vendors for the purpose of establishing~~
6 ~~bulk electronic transfer of information to primary users and vendors~~
7 ~~pursuant to an annual affidavit and release form and shall require that the~~
8 ~~contracts include, at a minimum:~~

9 ~~(I) A provision for a reasonable fee that encompasses all direct~~
10 ~~costs of the department related to the bulk electronic transfer of~~
11 ~~information to that primary user or vendor;~~

12 ~~(II) A provision that prohibits any use not otherwise authorized by~~
13 ~~law;~~

14 ~~(III) A provision that requires the primary user or vendor to~~
15 ~~specify the designated use and recipients of the information; and~~

16 ~~(IV) A provision that prohibits any resale or transfer of the~~
17 ~~information other than as specified in the contract or in a manner that is~~
18 ~~prohibited by law.~~

19 ~~(c) Repealed.~~

20 ~~(d) The department shall provide bulk electronic transfer in~~
21 ~~accordance with the limitations and restrictions regarding release of~~
22 ~~information in this section as well as section 24-72-204, C.R.S. The~~
23 ~~department shall not release photographs, electronically stored~~
24 ~~photographs, digitized images, or fingerprints filed with, maintained by,~~
25 ~~or prepared by the department through bulk electronic transfer.~~

26 ~~(e) The department shall forward all fees collected pursuant to~~
27 ~~contracts entered into with primary users or vendors pursuant to this~~

1 ~~subsection (3.7) to the state treasurer, who shall credit the same to the~~
2 ~~highway users tax fund. The general assembly shall make annual~~
3 ~~appropriations from the general fund for the costs associated with the~~
4 ~~administration of this subsection (3.7).~~

5 ~~(f) The executive director of the department shall promulgate rules~~
6 ~~as are consistent with current law and necessary to carry out the~~
7 ~~provisions of this subsection (3.7).~~

8 (3.8) NOTWITHSTANDING THE PROVISIONS OF THE FEDERAL
9 "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721 ET
10 SEQ., AND THE PROVISIONS OF THE "COLORADO OPEN RECORDS ACT",
11 PART 2 OF ARTICLE 72 OF TITLE 24, THE DEPARTMENT SHALL NOT ALLOW
12 THE BULK ELECTRONIC TRANSFER OF INFORMATION COLLECTED BY THE
13 DEPARTMENT TO PRIMARY USERS AND VENDORS WHO TRANSFER OR
14 RESELL SUCH INFORMATION. NOTHING IN THIS SECTION SHALL BE
15 CONSTRUED TO PROHIBIT THE INSPECTION OF INDIVIDUAL RECORDS AS
16 AUTHORIZED BY LAW.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.