

CHAPTER 124

**MOTOR VEHICLES AND TRAFFIC REGULATION**

**HOUSE BILL 02-1071**

BY REPRESENTATIVE(S) Miller, Boyd, Cadman, Cloer, Coleman, Fairbank, Fritz, Groff, Harvey, Hodge, Jameson, Kester, Marshall, Plant, Rippey, Scott, Tapia, and Webster;  
also SENATOR(S) Teck.

**AN ACT**

**CONCERNING THE STANDARD A GOVERNMENT AGENCY MUST MEET IN ORDER TO USE DRIVER'S LICENSE IMAGE TECHNOLOGY.**

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

**SECTION 1.** The introductory portion to 42-2-114 (1) (a) (IV), Colorado Revised Statutes, is amended, and the said 42-2-114 (1) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

**42-2-114. License issued - fees - repeal.** (1) (a) (IV) The department shall promulgate rules that shall not allow the access and use of images, ~~and image comparison technology~~, unless such images ~~and image comparison technology~~ ARE used for the following:

(V) THE DEPARTMENT SHALL PROMULGATE RULES THAT SHALL NOT ALLOW THE ACCESS AND USE OF IMAGE COMPARISON TECHNOLOGY, UNLESS SUCH TECHNOLOGY IS USED FOR THE FOLLOWING:

(A) TO AID A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY IN CARRYING OUT SUCH AGENCY'S OFFICIAL FUNCTIONS PURSUANT TO SECTION 24-72-204 (7), C.R.S., SO LONG AS SUCH FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY HAS A REASONABLE SUSPICION THAT A CRIME HAS BEEN COMMITTED OR WILL BE COMMITTED AND A REASONABLE SUSPICION THAT THE IMAGE REQUESTED IS EITHER THE PERPETRATOR OF SUCH CRIME OR A VICTIM OF SUCH CRIME;

(B) TO AID THE DEPARTMENT TO ASCERTAIN A PERSON'S CORRECT IDENTITY WHEN THERE IS REASONABLE SUSPICION THAT THE PERSON HAS USED A DRIVERS LICENSE OR IDENTIFICATION CARD TO CREATE A FALSE IDENTITY. NOTHING IN THIS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SUB-SUBPARAGRAPH (B) SHALL BE CONSTRUED TO PROHIBIT THE DEPARTMENT FROM ASCERTAINING AN APPLICANT'S CORRECT IDENTITY UPON APPLICATION FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD.

(C) TO AID THE DEPARTMENT TO PREVENT THE ISSUANCE OF MULTIPLE DRIVER'S LICENSES OR IDENTIFICATION CARDS TO THE SAME PERSON.

(VI) NOTHING IN SUBPARAGRAPHS (IV) OR (V) OF THIS PARAGRAPH (a) SHALL BE CONSTRUED TO REQUIRE THE DEPARTMENT TO PURCHASE OR IMPLEMENT A SYSTEM THAT CAN BE USED BY A PERSON WHO IS NOT AN EMPLOYEE, OFFICER, OR AGENT OF THE DEPARTMENT TO ACCESS IMAGE COMPARISON TECHNOLOGY.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 25, 2002