

## CHAPTER 201

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 97-1348**

BY REPRESENTATIVES Allen, Anderson, Keller, and Schwarz;  
also SENATOR Mutzebaugh.

**AN ACT**

CONCERNING CONFIDENTIALITY OF MOTOR VEHICLE RECORDS, AND, IN CONNECTION THEREWITH, ALLOWING PERSONS TO FILE CONFIDENTIALITY REQUESTS TO PROHIBIT CERTAIN USES OF INFORMATION CONTAINED IN DRIVER'S LICENSE, IDENTIFICATION CARD, MOTOR VEHICLE REGISTRATION, AND MOTOR VEHICLE TITLE APPLICATIONS AND MAKING AN APPROPRIATION.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that this act is mandated by the provisions of the federal "Driver's Privacy Protection Act of 1994", 18 U.S.C. Sec. 2771, et seq., and that the state may be subject to penalties if legislation to comply with the federal act is not enacted on or before September 13, 1997. The general assembly therefore finds that any general fund moneys appropriated to implement this act are not included within the statutory limit on general fund appropriations under section 24-75-201.1 (1) (a) (II), Colorado Revised Statutes, because the act creates a new program or service required by federal law pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado Revised Statutes.

**SECTION 2.** 24-72-204, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.**  
(7) IN ADDITION TO ANY OTHER REQUIREMENT OR RESTRICTION, THE DEPARTMENT OF REVENUE OR A DESIGNATED AGENT OF THE DEPARTMENT MAY ALLOW INSPECTION OF INFORMATION CONTAINED IN A DRIVER'S LICENSE APPLICATION UNDER SECTION 42-2-107, C.R.S., A DRIVER'S LICENSE RENEWAL APPLICATION UNDER SECTION 42-2-118, C.R.S., A DUPLICATE DRIVER'S LICENSE APPLICATION UNDER SECTION 42-2-117, C.R.S., A COMMERCIAL DRIVER'S LICENSE APPLICATION UNDER SECTION 42-2-404, C.R.S., AN IDENTIFICATION CARD APPLICATION UNDER SECTION 42-2-302,

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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.*

C.R.S., A MOTOR VEHICLE TITLE APPLICATION UNDER SECTION 42-6-103, C.R.S., A MOTOR VEHICLE REGISTRATION APPLICATION UNDER SECTION 42-3-112, C.R.S., OR OTHER OFFICIAL RECORD OR DOCUMENT MAINTAINED BY THE DEPARTMENT UNDER SECTION 42-2-121, C.R.S., TO A REQUESTOR, OTHER THAN A PERSON IN INTEREST OR A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY CARRYING OUT ITS OFFICIAL FUNCTIONS, ONLY UPON OBTAINING A COMPLETED REQUESTOR RELEASE FORM UNDER SECTION 42-1-206(1)(b), C.R.S. IF THE REQUESTOR RELEASE FORM INDICATES THAT THE REQUESTOR WILL USE INFORMATION CONTAINED IN RECORDS, REQUESTED INDIVIDUALLY, OR IN BULK, FOR ANY PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY LAW, INCLUDING AN AUTHORIZED USE UNDER THE FEDERAL "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721, ET SEQ., OR THE LAWFUL USE OF THE RECORDS BY THE PRESS AND NEWS MEDIA IN GATHERING NEWS INFORMATION, THE DEPARTMENT OR AGENT SHALL DENY INSPECTION OF ANY MOTOR VEHICLE OR DRIVER RECORD FOR WHICH A CONFIDENTIALITY REQUEST FORM HAS BEEN FILED PURSUANT TO SECTION 42-2-121 (4), C.R.S.

**SECTION 3.** 42-1-206, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-1-206. Records open to inspection - furnishing of copies.** (1) (a) Except as provided in part 2 of article 72 of title 24, C.R.S., all records made public records by any provision of this title and kept in the office of the department shall be open to inspection by the public during business hours under such reasonable rules and regulations relating thereto as the executive director of the department may prescribe.

(b) (I) THE DEPARTMENT SHALL PREPARE A REQUESTOR RELEASE FORM AND MAKE SUCH FORM AVAILABLE TO THE DEPARTMENT'S DESIGNATED AGENTS. THE FORM SHALL INCLUDE THE FOLLOWING:

(A) A STATEMENT INDICATING WHETHER THE REQUESTOR WILL USE THE MOTOR VEHICLE OR DRIVER RECORDS OR TRANSFER SUCH RECORDS TO ANOTHER PERSON FOR ANY PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY LAW, INCLUDING ANY AUTHORIZED USE UNDER THE FEDERAL "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721, ET SEQ., OR THE LAWFUL USE OF THE RECORDS BY THE PRESS AND NEWS MEDIA IN GATHERING NEWS INFORMATION; AND

(B) A WARNING THAT ANY PERSON USING MOTOR VEHICLE OR DRIVER RECORDS FOR IMPROPER PURPOSES MAY BE SUBJECT TO CIVIL PENALTIES UNDER FEDERAL LAW.

(II) THE DEPARTMENT OR A DESIGNATED AGENT SHALL REQUIRE ANY PERSON, OTHER THAN A PERSON IN INTEREST AS DEFINED IN SECTION 24-72-202 (4), C.R.S., OR A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY CARRYING OUT ITS OFFICIAL FUNCTIONS, REQUESTING INSPECTION OF A MOTOR VEHICLE OR DRIVER RECORD FROM THE DEPARTMENT OR AGENT INDIVIDUALLY, OR IN BULK, TO SIGN A REQUESTOR RELEASE FORM PRIOR TO PROVIDING THE RECORD TO SUCH PERSON. THE DEPARTMENT OR DESIGNATED AGENT MAY ALLOW INSPECTION OF MOTOR VEHICLE AND DRIVER RECORDS ONLY AS AUTHORIZED UNDER SECTION 24-72-204 (7), C.R.S.

(2) (a) Upon written application and the payment of a fee of two dollars and twenty cents per copy, or search therefor, for each copy requested, the department shall furnish to any person a photostatic copy of any specified record or accident report

specifically made a public record by any provision of this title and shall, for the additional fee of fifty cents per certification, if requested, certify the same. Any information required to be kept confidential by section 24-72-204 (3.5) (a), C.R.S., shall be rendered illegible by the department on any copy furnished pursuant to this section. All fees collected under the provisions of this subsection (2) shall be used to defray the expenses of providing such copies; except that ten cents of each fee collected by the department shall be credited to the special purpose account established under section 42-1-211 and used as provided in said section.

(b) AN AUTHORIZED AGENT OF THE DEPARTMENT SHALL NOT PROVIDE THE SERVICE OF FURNISHING COPIES OF CERTAIN RECORDS TO MEMBERS OF THE PUBLIC IF COPIES OF SUCH RECORDS ARE AVAILABLE TO THE PUBLIC DIRECTLY FROM THE DEPARTMENT.

**SECTION 4.** 42-2-121, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-2-121. Records to be kept by the department - admission of records in court.** (4) (a) THE DEPARTMENT SHALL PLACE A CONFIDENTIALITY NOTICE ON ANY DRIVER'S LICENSE APPLICATION FORM UNDER SECTION 42-2-107, DRIVER'S LICENSE RENEWAL APPLICATION UNDER SECTION 42-2-118, DUPLICATE DRIVER'S LICENSE APPLICATION UNDER SECTION 42-2-117, COMMERCIAL DRIVER'S LICENSE APPLICATION UNDER SECTION 42-2-404, IDENTIFICATION CARD APPLICATION FORM UNDER SECTION 42-2-302, MOTOR VEHICLE TITLE APPLICATION FORM UNDER SECTION 42-6-103, OR MOTOR VEHICLE REGISTRATION APPLICATION FORM UNDER SECTION 42-3-112. THE DEPARTMENT SHALL INDICATE IN SUCH NOTICE THAT ANY PERSON FILING SUCH A FORM MAY FILE A CONFIDENTIALITY REQUEST FORM WITH THE DEPARTMENT REQUESTING THAT THE INFORMATION CONTAINED IN THE PERSON'S MOTOR VEHICLE OR DRIVER RECORD NOT BE USED FOR ANY PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY LAW.

(b) THE DEPARTMENT SHALL PREPARE A CONFIDENTIALITY REQUEST FORM AND SHALL PROVIDE THE FORM TO THE DESIGNATED AGENTS OF THE DEPARTMENT. THE DEPARTMENT AND THE DESIGNATED AGENTS SHALL MAKE SUCH FORM AVAILABLE TO ANY PERSON ON REQUEST. THE DEPARTMENT AND THE DESIGNATED AGENTS SHALL BE THE SOLE DISTRIBUTORS OF SUCH FORM. THE FORM SHALL CONTAIN INSTRUCTIONS FOR FILING THE FORM WITH THE DEPARTMENT AND SHALL CONTAIN THE FOLLOWING NOTICES:

(I) THAT THE FILING OF A CONFIDENTIALITY REQUEST FORM WILL NOT PREVENT INSPECTION OF MOTOR VEHICLE OR DRIVER RECORD INFORMATION BY ALL PERSONS, INCLUDING THE RELEASE OF INFORMATION TO THE PRESS AND NEWS MEDIA FOR THE GATHERING OF NEWS RELATED INFORMATION;

(II) THAT THE FILING OF A CONFIDENTIALITY REQUEST FORM WILL NOT CEASE ALL SURVEYS, MARKETING, OR SOLICITATIONS RECEIVED BY THE PERSON BY TELEPHONE, MAIL, OR OTHER MEANS AND WILL NOT AVOID USE OF MOTOR VEHICLE OR DRIVER RECORD INFORMATION THAT WAS OBTAINED BY PERSONS PRIOR TO SEPTEMBER 1, 1997;

(III) THAT THERE WILL BE A DELAY BETWEEN THE DATE OF FILING OF A CONFIDENTIALITY REQUEST FORM AND THE DATE THE CONFIDENTIALITY REQUEST

BECOMES EFFECTIVE; AND

(IV) THAT CONFIDENTIALITY ONLY INCLUDES PERSONAL INFORMATION CONTAINED IN RECORDS FILED PURSUANT TO DRIVER'S LICENSE APPLICATIONS, IDENTIFICATION CARD APPLICATIONS, MOTOR VEHICLE TITLE APPLICATIONS, AND MOTOR VEHICLE REGISTRATION APPLICATIONS.

(c) ANY PERSON MAKING A REQUEST UNDER THIS SUBSECTION (4) THAT INFORMATION IN MOTOR VEHICLE OR DRIVER RECORDS NOT BE USED FOR ANY PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY LAW SHALL PROVIDE THE INFORMATION REQUESTED BY THE DEPARTMENT IN THE CONFIDENTIALITY REQUEST FORM AND FILE THE FORM DIRECTLY WITH THE DEPARTMENT. THE DEPARTMENT SHALL PROCESS SUCH FORMS AND SHALL NOTIFY THE DESIGNATED AGENTS REGARDING WHICH MOTOR VEHICLE AND DRIVER RECORDS ARE SUBJECT TO CONFIDENTIALITY REQUESTS.

(d) A CONFIDENTIALITY REQUEST EXPIRES UPON A REQUEST BY THE PERSON TO RESCIND THE CONFIDENTIALITY REQUEST OR UPON THE RENEWAL OF THE MOTOR VEHICLE OR DRIVER RECORD; EXCEPT THAT A CONFIDENTIALITY REQUEST FORM FILED IN CONNECTION WITH A MOTOR VEHICLE REGISTRATION APPLICATION SHALL REMAIN IN FORCE UNTIL THE MOTOR VEHICLE IS TRANSFERRED OR THE PERSON REQUESTS THAT THE CONFIDENTIALITY REQUEST BE RESCINDED.

**SECTION 5.** 42-1-210, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-1-210. County clerk and recorders and manager of revenue as agents - legislative declaration.** (1) The county clerk and recorder in each county in the state of Colorado, and in the city and county of Denver the manager of revenue, is hereby designated as the authorized agent of the department for the administration of the provisions of articles 3 and 6 of this title relating to registrations of motor vehicles in such county; and for the enforcement of the provisions of section 42-6-139 relating to the registering and titling of motor vehicles in such county; and for the enforcement of the provisions of section 38-29-120, C.R.S., relating to the titling of manufactured homes; but any such authorized agent in a county has the power to appoint and employ such motor vehicle registration and license clerks as are actually necessary in the issuance of motor vehicle licenses and shall retain for the purpose of defraying such expenses, including mailing, a sum equal to one dollar per paid motor vehicle registration and registration requiring a metallic plate, plates, or validation tab or sticker as provided in section 42-3-113. This fee of one dollar shall apply to every registration of a motor vehicle which is designed primarily to be operated or drawn on any highway of this state, except such vehicles as are specifically exempted from payment of any registration fee by the provisions of article 3 of this title, and shall be in addition to the annual registration fee prescribed by law for such vehicle. Such fee of one dollar, when collected by the department, shall be credited to the same fund as registration fees collected by the department. The county clerk and recorders and the manager of revenue in the city and county of Denver so designated as the authorized agents of the department, as provided in this section, shall serve as such authorized agents under the provisions of this part 2 without additional remuneration or fees, except as otherwise provided in articles 1 to 6 of this title.

(2) THE GENERAL ASSEMBLY HEREBY FINDS THAT, SINCE IT IS THE GOVERNMENT THAT REQUIRES CITIZENS TO REGISTER, LICENSE, AND UNDERTAKE OTHER ACTIONS CONCERNING THEIR MOTOR VEHICLES, IT IS THUS THE DUTY OF GOVERNMENT TO PROVIDE CONVENIENT AND EASILY ACCESSIBLE MOTOR VEHICLE SERVICES TO THE PUBLIC.

**SECTION 6. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, division of information technology, for the fiscal year beginning July 1, 1997, the sum of eighty-five thousand two hundred sixty-five dollars (\$85,265), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 7. Statement of intent.** It is the intent of the general assembly that prior to the department of revenue obtaining any FTE for the implementation of this act that the department make a request for any FTE through a decision item.

**SECTION 8. Effective date - applicability.** This act shall take effect September 1, 1997, and shall apply to forms filed with the department of revenue or designated agents of the department on or after said date and to requests for motor vehicle or driver records received on or after said date.

**SECTION 9. 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: May 27, 1997