

CHAPTER 232

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1346

BY REPRESENTATIVES Grampas, Allen, and Anderson;
also SENATOR Rizzuto.**AN ACT**CONCERNING THE SALE OF DRIVER'S LICENSE PHOTOGRAPHS FOR THE PURPOSE OF PREVENTION OF
FRAUD.*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 24-72-204 (2) (a) (VI), Colorado Revised Statutes, 1988 Repl. Vol.,
as amended, is amended to read:**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.**(2) (a) The custodian may deny the right of inspection of the following records,
unless otherwise provided by law, on the ground that disclosure to the applicant
would be contrary to the public interest:(VI) Photographs filed with, maintained by, or prepared by the department of
revenue pursuant to section 42-2-121 (2) (c) (I) (F), C.R.S. COPIES OF
PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES MAY
BE SOLD BY THE DEPARTMENT OF REVENUE UNDER SECTION 42-1-206 (3), C.R.S., FOR
THE PURPOSE OF PREVENTION OF FRAUD.**SECTION 2.** 42-1-206, Colorado Revised Statutes, 1993 Repl. Vol., as amended,
is amended BY THE ADDITION OF A NEW SUBSECTION to read:**42-1-206. Records open to inspection - furnishing of copies.** (3) (a) EXCEPT
AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (3), THE DEPARTMENT MAY SELL
COPIES OF PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED
IMAGES THAT ARE RECORDED AND MAINTAINED AS REQUIRED BY SECTION 42-2-121
(2) (c) (I) (F) IF SUCH ITEMS ARE TO BE USED SOLELY FOR THE PREVENTION OF FRAUD,
INCLUDING, BUT NOT LIMITED TO, USE IN MECHANISMS INTENDED TO PREVENT THE
FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, CHECKS, OR OTHER FORMS OF

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

FINANCIAL TRANSACTIONS. THE USE OF SUCH PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES OBTAINED PURSUANT TO THIS SUBSECTION (3) IS LIMITED TO THE VERIFICATION OF THE IDENTITY OF THE HOLDER OF AN ACCOUNT AND MAY NOT BE USED FOR ANY OTHER PURPOSE.

(b) THE DEPARTMENT MAY SELL COPIES OF PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES THAT ARE RECORDED AND MAINTAINED BY THE DEPARTMENT AS REQUIRED BY SECTION 42-2-121 (2) (c) (I) (F), UPON RECEIPT OF THE FOLLOWING FROM AN APPLICANT:

(I) PROOF OF THE IDENTITY OF THE APPLICANT;

(II) A DECLARATION, IN SUCH FORM AS IS REQUIRED BY THE DEPARTMENT, DESCRIBING HOW THE APPLICANT WILL USE SUCH PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES FOR THE PREVENTION OF FRAUD; AND

(III) PAYMENT OF A FEE FOR THE PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES. THE DEPARTMENT SHALL ESTABLISH A FEE FOR PROVIDING COPIES OF SUCH PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES AND ALL FEES COLLECTED PURSUANT TO THIS SUBSECTION (3) SHALL BE USED TO DEFRAY THE COSTS OF THE DEPARTMENT IN PROVIDING SUCH COPIES TO APPLICANTS.

(c) THE DEPARTMENT MAY AUTHORIZE AN APPLICANT TO OBTAIN COPIES OF PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES DIRECTLY FROM A VENDOR. TO OBTAIN SUCH ITEMS FROM A VENDOR, THE APPLICANT SHALL APPLY TO THE DEPARTMENT AND COMPLY WITH THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (b) OF THIS SUBSECTION (3). IF THE APPLICATION IS APPROVED BY THE DEPARTMENT, THE APPLICANT SHALL PAY THE VENDOR DIRECTLY FOR THE COST OF OBTAINING THE PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES.

(d) THE DEPARTMENT MAY NOT SELL ANY PHOTOGRAPH, ELECTRONICALLY STORED PHOTOGRAPH, OR DIGITIZED IMAGE OF A PERSON WHOSE ADDRESS IS REQUIRED TO BE KEPT CONFIDENTIAL UNDER SECTION 24-72-204 (3.5), C.R.S.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1997, and shall apply to requests made to the department of revenue on or after said date.

SECTION 5. 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 28, 1997