

CHAPTER 118

GOVERNMENT - STATE

SENATE BILL 99-174

BY SENATORS Grampsas, Teck, Dyer, Musgrave, Powers, Feeley, and Thiebaut, and Linkhart;
also REPRESENTATIVES Allen, McPherson, May, Bacon, Berry, Chavez, Clarke, Coleman, Fairbank, Gagliardi, George,
Gotlieb, Hagedorn, Hefley, Lee, Leyba, Mace, McElhany, McKay, Miller, Pascall, Plant, Ragsdale, Scott, Smith, Swenson, Tapia,
Taylor, Tupa, Veiga, S. Williams, and Windels.

AN ACT

CONCERNING LIMITATIONS ON THE DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF REVENUE.

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

SECTION 1. 24-72-204 (2) (a) (VI), Colorado Revised Statutes, 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, ELECTRONICALLY STORED PHOTOGRAPHS, DIGITIZED IMAGES, FINGERPRINTS, OR SOCIAL SECURITY NUMBERS filed with, maintained by, or prepared by the department of revenue pursuant to section 42-2-121 (2) (c) (I) (F) OR (2) (c) (I) (H), 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. 24-72-204 (3.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.
(3.5) (g) PRIOR TO THE RELEASE OF ANY INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL PURSUANT TO THIS SUBSECTION (3.5), THE CUSTODIAN SHALL REQUIRE THE PERSON REQUESTING THE INFORMATION TO PRODUCE A VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD AND WRITTEN AUTHORIZATION FROM ANY

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

ENTITY AUTHORIZED TO RECEIVE INFORMATION UNDER THIS SUBSECTION (3.5). THE CUSTODIAN SHALL KEEP A RECORD OF THE REQUESTING PERSON'S NAME, ADDRESS, AND DATE OF BIRTH AND SHALL MAKE SUCH INFORMATION AVAILABLE TO THE INDIVIDUAL REQUESTING CONFIDENTIALITY UNDER THIS SUBSECTION (3.5) OR ANY PERSON AUTHORIZED BY SUCH INDIVIDUAL.

SECTION 3. 42-1-206 (3), Colorado Revised Statutes, is amended, and the said section 42-1-206 is further 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 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.~~

(3.5) (a) THE DEPARTMENT SHALL NOT SELL, PERMIT THE SALE OF, OR OTHERWISE

RELEASE TO ANYONE OTHER THAN THE PERSON IN INTEREST ANY PHOTOGRAPH, ELECTRONICALLY STORED PHOTOGRAPH, DIGITIZED IMAGE, FINGERPRINT, OR SOCIAL SECURITY NUMBER FILED WITH, MAINTAINED BY, OR PREPARED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 42-2-121 (2) (c) (I) (F) OR (2) (c) (I) (H).

(b) NOTHING IN THIS SUBSECTION (3.5) SHALL PREVENT THE DEPARTMENT FROM SHARING ANY INFORMATION WITH A CRIMINAL JUSTICE AGENCY AS DEFINED IN SECTION 24-72-302 (3), C.R.S.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3.5), THE DEPARTMENT MAY RELEASE COPIES OF INDIVIDUAL PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES TO A DULY ACCREDITED REPRESENTATIVE OF THE NEWS MEDIA.

(d) THE DEPARTMENT OF REVENUE SHALL MAKE EVERY EFFORT TO RETRIEVE ALL COPIES OF PHOTOGRAPHS, ELECTRONICALLY STORED PHOTOGRAPHS, OR DIGITIZED IMAGES THAT MAY HAVE BEEN SOLD BY THE DEPARTMENT UNDER SUBSECTION (3) OF THIS SECTION.

SECTION 4. 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 16, 1999