

## CHAPTER 324

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**HOUSE BILL 04-1034**

BY REPRESENTATIVE(S) Welker, Berry, Borodkin, Larson, Pommer, Sinclair, Spence, Stafford, and Schultheis;  
also SENATOR(S) Takis, Isgar, May R., Groff, Grossman, Hanna, and Veiga.

**AN ACT****CONCERNING ELECTRONIC RENEWAL OF A DRIVER'S LICENSE.**

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

**SECTION 1.** 42-2-118 (1) (a) (I) and (1.3) (a) (II), Colorado Revised Statutes, are amended, and the said 42-2-118 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-2-118. Renewal of license in person, by mail, or by electronic means - donations to organ and tissue donation awareness fund - repeal.**

(1) (a) (I) Every license issued under section 42-2-114 shall be renewable prior to its expiration, upon application in person, ~~or~~ by mail as provided in subsection (1.3) of this section, OR BY ELECTRONIC MEANS AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, payment of the required fee, passing of an eye test, passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable, and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section. IF A PERSON RENEWS HIS OR HER LICENSE PURSUANT TO THIS SUBPARAGRAPH (I) BY ELECTRONIC MEANS, THE PERSON SHALL ATTEST UNDER PENALTY OF PERJURY THAT HE OR SHE HAS HAD AN EYE EXAMINATION BY ANY OPTOMETRIST OR AN OPHTHALMOLOGIST WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION.

(1.3) (a) The department may, in its discretion, allow renewal of a driver's license issued under section 42-2-114 by mail subject to the following requirements:

(II) Renewal by mail OR ELECTRONICALLY shall only be available every other driver's license renewal period as provided in section 42-2-114 (2) (a) and (3).

(1.5) (a) THE DEPARTMENT MAY, IN ITS DISCRETION, ALLOW RENEWAL OF A

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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.*

DRIVER'S LICENSE ISSUED UNDER SECTION 42-2-114 BY ELECTRONIC MEANS TO DRIVERS AT LEAST TWENTY-ONE YEARS OF AGE OR OLDER AND UNDER SIXTY-ONE YEARS OF AGE.

(b) PURSUANT TO SECTIONS 24-19.5-103 (3) AND 29-11.5-103 (3), C.R.S., THE DEPARTMENT SHALL NOT ALLOW ANY THIRD-PARTY CHARGES THAT MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION TO REDUCE THE AMOUNT OF REVENUE THAT WOULD OTHERWISE BE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY USERS TAX FUND.

(c) EVERY APPLICANT FOR RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT:

(I) PAYMENT OF THE REQUIRED FEE; AND

(II) PAYMENT OF ANY PENALTY ASSESSMENT, FINE, COST, OR FORFEITURE AS PRESCRIBED BY SUBSECTION (3) OF THIS SECTION.

(d) TO IMPLEMENT ELECTRONIC RENEWAL OF A DRIVER'S LICENSE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL:

(I) SUBMIT TO THE COMMISSION ON INFORMATION AND TECHNOLOGY WITHIN THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR FOR THE COMMISSION'S REVIEW AND APPROVAL THE DEPARTMENT'S PLAN FOR THE RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS;

(II) DEVELOP AND IMPLEMENT ELECTRONIC RENEWAL OF A DRIVER'S LICENSE IN A MANNER THAT IS CONSISTENT WITH THE NATION'S POLICY ON NATIONAL SECURITY AND IN CONFORMANCE WITH FEDERAL AND STATE LAW FOR HOMELAND SECURITY;

(III) DEVELOP AND IMPLEMENT AN INFORMATION SECURITY PROGRAM AND UTILIZE A LAYERED SECURITY APPROACH WHICH SHALL CONSIST OF THE FOLLOWING:

(A) A BUSINESS IMPACT ANALYSIS THAT ASSESSES THE CRITICALITY OF SERVICES;

(B) A RISK OR SECURITY ASSESSMENT THAT IDENTIFIES VULNERABILITIES OF THE SYSTEM;

(C) A RISK MANAGEMENT PROCESS;

(D) A CONTINGENCY PLAN FOR DISASTER RECOVERY OF INFORMATION AND SERVICES AND BUSINESS CONTINUITY;

(E) PROCEDURES THAT IDENTIFY SECURITY SAFEGUARDS FOR ASSET PROTECTION;

(F) A SECURE ARCHITECTURAL DESIGN;

(G) SECURITY AWARENESS AND TRAINING PROGRAMS; AND

(H) MONITORING AND AUDIT SYSTEMS FOR BACK-END REVIEWS TO EVALUATE

EFFICIENCY AND EFFICACY;

(IV) DEVELOP SECURITY POLICIES THAT ADDRESS, AT A MINIMUM, THE FOLLOWING:

(A) SYSTEM PROTECTION FROM VIRUSES AND SYSTEM VIRUS DETECTION;

(B) FIREWALL SECURITY;

(C) LOGGING CAPABILITY;

(D) SERVER SECURITY;

(E) INTRUSION DETECTION;

(F) ENCRYPTION;

(G) PHYSICAL SECURITY; AND

(H) SECURE REMOTE ACCESS COMMUNICATION, IF APPLICABLE; AND

(V) DEVELOP A MIGRATION PLAN THAT SETS OUT THE DEPARTMENT'S GOALS AND OBJECTIVES AND ESTABLISHES PRIORITIES AND THE DEPARTMENT'S TIME LINE FOR ACHIEVING SUCH REQUIREMENTS.

(e) FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (d) OF THIS SUBSECTION (1.5) MAY RESULT IN THE DEPARTMENT BEING REMOVED FROM OR DENIED ACCESS TO THE STATE NETWORK OR MAINFRAME COMPUTER UNTIL ALL OF THE PROVISIONS OF PARAGRAPH (d) OF THIS SUBSECTION (1.5) ARE DEMONSTRATED BY THE DEPARTMENT.

(f) ON OR BEFORE AUGUST 31, 2004, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON THE DEPARTMENT'S PROGRESS WITH THE RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS, ANTICIPATED EXPENSES AND COSTS OF IMPLEMENTING THIS RENEWAL PROCESS INCLUDING ANTICIPATED FUNDING REQUESTS ASSOCIATED WITH THESE EXPENSES AND COSTS, WORLD WIDE WEB APPLICATIONS, AND MEASURES THE DEPARTMENT WILL IMPLEMENT TO MINIMIZE POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND FRAUD.

(g) THE DEPARTMENT MAY PROMULGATE ANY NECESSARY RULES FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5).

**SECTION 2. Applicability.** This act shall apply to drivers' licenses renewed on or after the effective date of this act.

**SECTION 3. 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, 2004