

CHAPTER 185

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 05-047

BY SENATOR(S) May R., Anderson, Teck, and Williams;
also REPRESENTATIVE(S) Ragsdale, Berens, Coleman, Larson, Todd, Vigil, and Welker.

AN ACT**CONCERNING DRIVER'S LICENSES.**

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

SECTION 1. 42-1-102 (19) and (69), Colorado Revised Statutes, are amended to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(19) "Convicted" ~~and OR "conviction" include conviction in any court of record or any municipal court or acceptance of a penalty assessment notice and payment of the prescribed penalty in accordance with the provisions of section 42-4-1701.~~ MEANS:

- (a) A PLEA OF GUILTY OR NOLO CONTENDERE;
- (b) A VERDICT OF GUILTY;
- (c) AN ADJUDICATION OF DELINQUENCY UNDER TITLE 19, C.R.S.; AND
- (d) THE PAYMENT OF A PENALTY ASSESSMENT UNDER SECTION 42-4-1701 IF THE SUMMONS STATES CLEARLY THE POINTS TO BE ASSESSED FOR THE OFFENSE.

(69) "Person" means ~~every~~ A natural person, firm, copartnership, association, ~~or~~ corporation, OR BUSINESS ENTITY.

SECTION 2. 42-2-104 (3) (f), Colorado Revised Statutes, is amended to read:

42-2-104. Licenses issued - denied - repeal. (3) The department shall not issue

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

any license to:

(f) ~~Any~~ A person who, while under the age of sixteen, was convicted of any offense that would have ~~made~~ ~~SUBJECTED~~ the person ~~subject to having~~ TO A REVOCATION OF driving privileges ~~revoked~~ under section 42-2-125 FOR THE PERIOD OF SUCH REVOCATION if such person had possessed a driver's license. ~~Any person denied a driver's license pursuant to this paragraph (f) may be granted a license six months prior to his or her seventeenth birthday, if such person has only one such conviction, and on his or her seventeenth birthday, if such person has more than one such conviction; except that, if the person has been convicted of defacing property in violation of section 18-4-509, C.R.S., or convicted of criminal mischief in violation of section 18-4-501, C.R.S., where the court finds that the underlying factual basis of the offense involves defacing property as described in section 18-4-509, C.R.S., or any counterpart municipal charter or ordinance offense to either of said sections, the person may not be granted a license until the entire period for which the person's license would have been revoked, as determined pursuant to section 42-2-125 (3) and (7), has passed, as measured from the person's sixteenth birthday.~~

SECTION 3. 42-2-106 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are amended to read:

42-2-106. Instruction permits and temporary licenses - repeal. (1) (b) Any minor of the age of fifteen years who is enrolled in a driver education course approved by the department may apply for a minor's instruction permit, pursuant to sections 42-2-107 and 42-2-108. Upon presentation of a written or printed statement signed by the parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian and the instructor of the driver education course that such minor is enrolled in an approved driver education course, the department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian who cosigned the application for the minor's instruction permit if such parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian holds a valid driver's license. Such permit shall also entitle the applicant to drive a motor vehicle, including a motorcycle or motor-driven cycle, which is marked so as to indicate that it is a motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid driver's license. Driver education instructors giving instruction in motorcycle safety must have a valid motorcycle driver's license and must have successfully completed an instruction program in motorcycle safety approved by the department. Such permit shall expire three years after issuance.

(c) Any person ~~of the age of~~ sixteen years OF AGE or ~~more~~ OLDER who, except for such applicant's lack of instruction in operating a motorcycle or motor-driven cycle, would otherwise be qualified to obtain a driver's license under this article to drive a motorcycle or motor-driven cycle may apply for a temporary instruction permit, pursuant to sections 42-2-107 and 42-2-108. The department shall issue such permit entitling the applicant, while having such permit in such applicant's immediate possession, to drive a motorcycle or motor-driven cycle upon the highways ~~for a period of six months~~ while under the immediate supervision of a licensed driver,

twenty-one years of age or ~~over~~ OLDER, authorized under this article to drive a motorcycle or motor-driven cycle. SUCH PERMIT SHALL EXPIRE THREE YEARS AFTER ISSUANCE.

(d) A minor ~~of the age of fifteen AND ONE-HALF years and six months~~ OF AGE who has completed a four-hour prequalification driver awareness program approved by the department may apply for a minor's instruction permit pursuant to sections 42-2-107 and 42-2-108. Upon presenting a written or printed statement signed by the parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian of the applicant and documentation that the minor completed such driver awareness program, the department shall issue a permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, excluding a motorcycle or motor-driven cycle, under the supervision of the parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian who cosigned the application for the minor's instruction permit if such parent, stepparent, GRANDPARENT WITH POWER OF ATTORNEY, or guardian holds a valid driver's license. Such permit shall expire three years after issuance.

SECTION 4. 42-2-107 (3) (a), Colorado Revised Statutes, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration - repeal. (3) (a) Except as otherwise provided in paragraph (b) of this subsection (3), ~~on and after October 1, 2000~~, an application for a driver's or minor driver's license shall include the applicant's social security number, which shall remain confidential and shall not be placed on the applicant's driver's or minor driver's license; ~~unless such applicant has waived such confidentiality~~; except that such confidentiality shall not extend to the state child support enforcement agency, the department, or a court of competent jurisdiction when requesting information in the course of activities authorized under article 13 of title 26, C.R.S., or article 14 of title 14, C.R.S. If the applicant does not have a social security number, the applicant shall submit a sworn statement MADE UNDER PENALTY OF LAW, together with the application, stating that the applicant does not have a social security number. ~~The license issued as a result of said application may, at the applicant's option, contain an identification number, which shall be the applicant's social security number.~~

SECTION 5. 42-2-108 (1) (a), Colorado Revised Statutes, is amended to read:

42-2-108. Application of minors - repeal. (1) (a) The application of any person under the age of eighteen years for an instruction permit or minor driver's license shall be accompanied by an affidavit of liability signed and verified by the father, mother, ~~or~~ stepparent, OR GRANDPARENT WITH POWER OF ATTORNEY of the applicant, or, in the event neither parent is living, by the person or guardian having proof of legal custody of such minor, by a stepparent, or by the spouse of the applicant if the spouse is eighteen years of age or older, or, in the event there is no such person, guardian, or spouse, by any other responsible adult who is willing to assume the obligation imposed under this article upon an adult signing the affidavit of liability for a minor. When any such applicant has been made a ward of any court in the state for any reason and has been placed in a foster home, the foster parents or parent may sign the affidavit of liability for such minor. If the parent or the foster parent, if the minor is in the care of a foster parent, is unwilling or unable to sign the affidavit of

liability, a guardian ad litem, a designated official of the county department of social services having custody of such applicant, or a designated official of the division of youth corrections in the department of human services having custody of such applicant may sign the application for an instruction permit without signing the affidavit of liability for such minor if the requirements of paragraph (b) of this subsection (1) are met; except that, prior to signing the application for an instruction permit, the guardian ad litem or other designated official shall notify the court of his or her intent to sign the application and except that the guardian ad litem or designated official shall not sign the application for an instruction permit for a minor who is placed in a foster care home and who is under seventeen and one-half years of age without first obtaining the consent of the foster parent. If the minor is seventeen and one-half years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem or designated official shall consult with the foster parent of such minor about the opportunity for such minor to learn driving skills under the restrictions provided in paragraph (b) of this subsection (1) prior to signing an application for an instruction permit. The guardian ad litem or designated official shall solicit the opinion of the minor's foster parent, if the minor is in foster care, concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive. When any minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing pursuant to any provision of this article, such minor shall be accompanied by the person who signed the affidavit of liability for such minor or by the guardian ad litem or designated official who signed the application for an instruction permit for such minor. If such person is unable to attend the hearing, such person shall submit to the department a verified signed statement certifying under oath that such person is aware of the purpose of the hearing but cannot attend.

SECTION 6. 42-2-112, Colorado Revised Statutes, is amended to read:

42-2-112. Medical advice - use by department - physician immunity. (1) In order to determine whether any licensed driver or any applicant for a driver's license is physically or mentally able to operate a motor vehicle safely upon the highways of this state, the department is authorized, pursuant to this section and upon the adoption of rules concerning medical criteria for driver licensing, to seek and receive a written medical opinion from any physician, PHYSICIAN'S ASSISTANT, or optometrist licensed in this state. Such written medical opinion may also be used by the department in regard to the renewal, suspension, revocation, or cancellation of drivers' licenses pursuant to this article. No written medical opinion shall be sought pursuant to this section unless the department has reason to believe that the driver or applicant is physically or mentally unable to operate a motor vehicle safely upon the highways of this state.

(2) In addition to the written medical opinion sought and received pursuant to subsection (1) of this section, the department may consider a written medical opinion received from the personal physician, PHYSICIAN'S ASSISTANT, or optometrist of an individual driver or applicant. Any written medical opinion requested by the applicant or driver from a personal physician or optometrist shall be provided to the department at the expense of the applicant or driver. Any written medical opinion required by the department shall also be at the expense of the applicant or driver.

(3) No civil or criminal action shall be brought against any physician, PHYSICIAN'S ASSISTANT, or optometrist licensed to practice in this state for providing a written medical or optometric opinion pursuant to subsection (1) or (2) of this section if such physician or optometrist acts in good faith and without malice.

SECTION 7. Repeal. 42-2-114 (1) (a) (III) (J) and (8), Colorado Revised Statutes, are repealed as follows:

42-2-114. License issued - fees - repeal. (1) (a) (III) Such license shall bear thereon the following:

(J) ~~At the licensee's option, an identification number which shall be the licensee's social security number; and~~

(8) ~~Any person holding any type of license to operate a motor vehicle issued by this state may request the department to imprint upon such license the emergency symbol defined in section 25-20-102 (3), C.R.S. The department, upon such request, shall imprint the emergency symbol upon the license.~~

SECTION 8. 42-2-114 (2) (a) (I) (A) and (2) (a) (I) (B), Colorado Revised Statutes, are amended to read:

42-2-114. License issued - fees - repeal. (2) (a) (I) Except as provided in subsection (3) of this section:

(A) ~~Before July 1, 2006;~~ The fee for the issuance of a driver's license to a person twenty-one years of age or older and sixty years of age or younger shall be fifteen dollars, which license shall expire on the birthday of the applicant in the ~~tenth~~ FIFTH year after the issuance thereof. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of six dollars, and nine dollars shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.

(B) ~~On and after July 1, 2006, the fee for the issuance of a driver's license to a person twenty-one years of age or older and sixty years of age or younger shall be thirty dollars, which license shall expire on the birthday of the applicant in the tenth year after the issuance thereof. In the case of such a driver's license issued by the office of the county clerk and recorder in each county, the office of the county clerk and recorder shall retain the sum of twelve dollars, and eighteen dollars shall be forwarded to the department for transmission to the state treasurer, who shall credit the same to the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article; except that seventeen dollars of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S.~~

SECTION 9. 42-2-117 (1.5), Colorado Revised Statutes, is amended to read:

42-2-117. Duplicate permits and minor licenses - replacement licenses.

(1.5) Upon furnishing satisfactory proof to the department that a driver's license issued under the provisions of this article has been lost, stolen, or destroyed, the person to whom the same was issued shall apply for renewal of the license pursuant to section 42-2-118. The new driver's license shall expire ~~on the birthday of the person in the tenth year after the issuance thereof~~ AS PROVIDED IN SECTION 42-2-114.

SECTION 10. 42-2-118 (1.3) (a) (I), Colorado Revised Statutes, is amended, and the said 42-2-118 (1.3) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

42-2-118. Renewal of license in person or by mail - donations to organ and tissue donation awareness fund - repeal. (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:

(I) Renewal by mail shall be available only to drivers twenty-one years of age or older and under ~~sixty-six~~ SIXTY-ONE years of age;

(III) A PERSON RENEWING BY MAIL OR ELECTRONIC MEANS SHALL ATTEST UNDER PENALTY OF LAW THAT HE OR SHE HAS HAD AN EYE EXAMINATION BY AN OPTOMETRIST OR OPHTHALMOLOGIST WITHIN THREE YEARS BEFORE THE RENEWAL; AND

(IV) A PERSON RENEWING BY MAIL WHO REQUIRES VISION CORRECTION SHALL ATTEST UNDER PENALTY OF LAW TO HIS OR HER PRESCRIPTION FOR VISION CORRECTION.

SECTION 11. 42-2-119 (1) and (2), Colorado Revised Statutes, are amended to read:

42-2-119. Notices - change of address or name. (1) (a) Whenever any person, after applying for or receiving a driver's license or motor vehicle registration number, moves from the address named in such application or in the license or registration issued to such person or when the name of the licensee is changed, ~~by marriage or otherwise~~; such person shall within ~~ten~~ THIRTY days ~~thereafter~~ notify the department in writing of such person's old and new address ~~or of such former and new name~~; and the number of any license or registration held by such person. A LICENSEE WHO CHANGES HIS OR HER NAME SHALL, WITHIN THIRTY DAYS, APPLY IN PERSON TO RENEW SUCH LICENSE PURSUANT TO SECTION 42-2-118 AND IN COMPLIANCE WITH SECTIONS 42-2-107 AND 42-2-305.

(b) ~~If the primary body color of a motor vehicle is subsequently changed from the primary body color that is identified in the application for registration or in-person renewal registration for the motor vehicle, the owner of the motor vehicle shall notify the department in writing within thirty days after the color of such motor vehicle is changed regarding the new primary body color of the motor vehicle. The primary body color of any motor vehicle shall be identified using the standard color descriptions of the department that are established pursuant to section 42-3-105 (1)~~
(d):

(2) All notices and orders required to be given to any licensee or registered owner under the provisions of the motor vehicle laws shall be in writing; and, if mailed, postpaid by first-class mail, to him or her at the last-known address shown by the records ~~in~~ KEPT BY the department PURSUANT TO THIS ARTICLE. Such mailing shall be sufficient notice in accord with the motor vehicle laws. Any notice or order of the department mailed first-class under the provisions of this title creates a presumption for administrative purposes that such notice or order was received if the department maintains a copy of the notice or order and maintains a certification that the notice or order was deposited in the United States mail by an employee of the department. Evidence of a copy of the notice mailed to the last-known address of the licensee as shown by the records ~~of~~ KEPT BY the department PURSUANT TO THIS ARTICLE and a certification of mailing by a department employee, or evidence of delivery of notice in person to the last-known address of the licensee as shown by the records ~~of~~ KEPT BY the department PURSUANT TO THIS ARTICLE, or evidence of personal service upon the licensee or upon any attorney appearing on the licensee's behalf of the order of denial, cancellation, suspension, or revocation of the license by the executive director of the department, or by the executive director's duly authorized representative, is prima facie proof that the licensee received personal notice of said denial, cancellation, suspension, or revocation.

SECTION 12. 42-2-121 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-121. Records to be kept by the department - admission of records in court. (2) (e) RECORDS OR DOCUMENTS FILED WITH, MAINTAINED BY, OR PREPARED BY ANOTHER STATE THAT ARE EQUIVALENT TO THE RECORDS MAINTAINED IN COLORADO UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE ADMISSIBLE IN A TRIAL OR HEARING IN ACCORDANCE WITH THIS SECTION.

SECTION 13. 42-2-122 (4) (a), Colorado Revised Statutes, is amended to read:

42-2-122. Department may cancel license - limited license for physical or mental limitations. (4) (a) Upon the holding of a hearing as provided in subsection (3) of this section OR UPON DETERMINATION BY THE DEPARTMENT, the license shall be returned if the licensee is able to prove that cancellation should not have been made. When the original cancellation is sustained by the department, such licensee may apply for and receive a new license whenever the licensee can show that the reason for the original cancellation no longer applies. The licensee may also appeal the decision of the department after the hearing to the district court as provided in section 42-2-135.

SECTION 14. 42-2-124 (3) and (4), Colorado Revised Statutes, are amended to read:

42-2-124. When court to report convictions. (3) ~~Except as otherwise provided~~ FOR THE PURPOSES OF THIS SECTION, the term "convicted" or "conviction" means a sentence imposed following a plea of guilty or nolo contendere, ~~or a verdict of guilty~~ by the court or a jury, ~~excluding all stays of sentence~~ OR AN ADJUDICATION OF A DELINQUENCY UNDER TITLE 19, C.R.S. The payment of a penalty assessment under the provisions of section 42-4-1701 shall also be considered a conviction if the summons states clearly the points to be assessed for that offense. Whenever

suspension or revocation of a license is authorized or required for conviction of any offense under state law, a final finding of guilty of a violation of a municipal ordinance governing a substantially equivalent offense in a city, town, or city and county shall, for purposes of such suspension or revocation, be deemed and treated as a conviction of the corresponding offense under state law. ~~The department has the authority to suspend~~ A STAY OF SENTENCE, PENDING APPEAL, SHALL NOT DEPRIVE THE DEPARTMENT OF THE AUTHORITY TO SUSPEND, REVOKE, OR DENY a driver's or minor driver's license pending any final determination of a conviction on appeal.

(4) ~~For the purposes of section 42-2-125 (1) (g), (1) (g.5), (1) (m), and (1) (n) and section 42-2-127.3, an adjudication of delinquency under title 19, C.R.S., for the acts described in such sections shall be considered to be a conviction for purposes of this section. However;~~ An expungement of an adjudication of delinquency shall not result in a rescission of the revocation or suspension of the driving privilege unless said expungement is a result of a reversal of the adjudication on appeal.

SECTION 15. The introductory portion to 42-2-125 (1) (o), Colorado Revised Statutes, is amended, and the said 42-2-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-2-125. Mandatory revocation of license and permit. (1) The department shall immediately revoke the license or permit of any driver or minor driver upon receiving a record showing that such driver has:

(o) Been convicted of: ~~or adjudicated as a juvenile delinquent for:~~

(8) IF A SUSPENSION OR REVOCATION OF A LICENSE IS AUTHORIZED OR REQUIRED FOR CONVICTION OF AN OFFENSE UNDER STATE LAW, A FINAL FINDING OF GUILT FOR A VIOLATION OF A MUNICIPAL ORDINANCE GOVERNING A SUBSTANTIALLY EQUIVALENT OFFENSE IN A MUNICIPALITY, COUNTY, OR ANOTHER STATE FOR PURPOSES OF A SUSPENSION OR REVOCATION SHALL BE DEEMED AS A CONVICTION OF THE CORRESPONDING OFFENSE UNDER STATE LAW. THE DEPARTMENT MAY SUSPEND A DRIVER'S OR MINOR DRIVER'S LICENSE PENDING A FINAL DETERMINATION OF A CONVICTION ON APPEAL.

SECTION 16. 42-2-126 (3), Colorado Revised Statutes, is amended to read:

42-2-126. Revocation of license based on administrative determination.
 (3) (a) Whenever a law enforcement officer has probable cause to believe that a person ~~has violated section 42-4-1301 (2) or whenever a person refuses to take or to complete, or to cooperate with the completing of any test or tests of such person's blood, breath, saliva, or urine as required by section 42-4-1301.~~ IS SUBJECT TO LICENSE REVOCATION UNDER PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, the law enforcement officer having such probable cause ~~or requesting such test or tests~~ shall forward to the department an affidavit containing information relevant to legal issues and facts ~~which~~ THAT must be considered by the department to legally determine if a person's driving privilege should be revoked as provided in subsection (2) of this section. The executive director of the department shall specify to law enforcement agencies the form of the affidavit AND the types of information needed in the affidavit, and MAY SPECIFY any additional documents or copies of documents needed by the department to make its determination in addition to the affidavit. The

affidavit shall be dated, signed, and sworn to by the law enforcement officer under penalty of perjury, but need not be notarized or sworn to before any other person.

~~(b) A law enforcement officer who has probable cause to believe that a person was driving a commercial motor vehicle with a blood alcohol concentration of 0.04 or more if the person was twenty-one years of age or older or 0.02 or more if the person was under twenty-one years of age shall forward to the department a verified report of all information relevant to the enforcement action, including information that adequately identifies the person, a statement of the officer's probable cause for belief that the person committed such violation, a report of the results of any tests that were conducted, and a copy of the citation and complaint, if any, filed with the court.~~

SECTION 17. 42-2-138 (1) (d), (2), (3), and (4) (b), Colorado Revised Statutes, are amended, and the said 42-2-138 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-2-138. Driving under restraint - penalty. (1) (d) (I) ~~Any~~ A person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that such person's license or privilege to drive, either as a resident or nonresident, is restrained under section 42-2-126 (2) (a), ~~or~~ is restrained solely or partially because of a conviction of a driving offense pursuant to section 42-4-1301 (1) or (2), ~~OR IS RESTRAINED IN ANOTHER STATE SOLELY OR PARTIALLY BECAUSE OF AN ALCOHOL-RELATED DRIVING OFFENSE~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than one thousand dollars. Upon a second or subsequent conviction, such person shall be punished by imprisonment in the county jail for not less than ninety days nor more than two years and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than three thousand dollars. The minimum county jail sentence imposed by this subparagraph (I) shall be mandatory, and the court shall not grant probation or a suspended sentence thereof; but, in a case where the defendant is convicted although the defendant established that he or she had to drive the motor vehicle in violation of this subparagraph (I) because of an emergency, the mandatory jail sentence, if any, shall not apply, and, for a first conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than one year and, in the discretion of the court, a fine of not more than one thousand dollars, and, for a second or subsequent conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than two years and, in the discretion of the court, a fine of not more than three thousand dollars.

(II) In any trial for a violation of subparagraph (I) of this paragraph (d), a duly authenticated copy of the record of the defendant's former convictions and judgments for an alcohol-related driving offense pursuant to section 42-4-1301 (1) or (2) ~~OR AN ALCOHOL-RELATED OFFENSE COMMITTED IN ANOTHER STATE~~ from any court of record or a certified copy of the record of any denial or revocation of the defendant's driving privilege under section 42-2-126 (2) (a) from the department shall be prima facie evidence of such convictions, judgments, denials, or revocations and may be used in evidence against such defendant. Identification photographs and fingerprints that are part of the record of such former convictions, judgments, denials, or revocations and such defendant's incarceration after sentencing for any of such former convictions,

judgments, denials, or revocations shall be prima facie evidence of the identity of such defendant and may be used in evidence against the defendant.

(2) (a) In ~~any~~ A prosecution for a violation of this section, the fact of the restraint may be established by certification that a notice was mailed by first-class mail pursuant to section 42-2-119 (2), to the last-known address of the defendant, or by the delivery of such notice to the last-known address of the defendant, or by personal service of such notice upon the defendant.

(b) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, THE FACT OF RESTRAINT IN ANOTHER STATE MAY BE ESTABLISHED BY CERTIFICATION THAT NOTICE WAS GIVEN IN COMPLIANCE WITH SUCH STATE'S LAW.

(3) The department, upon receiving a record of conviction or accident report of any person for an offense committed while operating a motor vehicle, shall immediately examine its files to determine if the license or operating privilege of such person has been ~~suspended or revoked~~ RESTRAINED. If it appears that said offense was committed while the license or operating privilege of such person was ~~revoked or suspended~~ RESTRAINED, except as permitted by section 42-2-132.5, the department shall not issue a new license or grant any driving privileges for an additional period of one year after the date such person would otherwise have been entitled to apply for a new license or for reinstatement of a suspended license and shall notify the district attorney in the county where such violation occurred and request prosecution of such person under subsection (1) of this section.

(4) For purposes of this section, the following definitions shall apply:

(b) "Restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this state or ~~any combination of denials, revocations, or suspensions~~ ANOTHER STATE.

(5) IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SECTION, BASED UPON A RESTRAINT IN ANOTHER STATE, THAT THE DRIVER POSSESSED A VALID DRIVER'S LICENSE ISSUED SUBSEQUENT TO THE RESTRAINT THAT IS THE BASIS OF THE VIOLATION.

SECTION 18. 42-2-133, Colorado Revised Statutes, is amended to read:

42-2-133. Surrender and return of license. (1) The department, upon suspending or revoking a license, shall require that such license be surrendered to ~~and be retained by~~ the department. ~~except that,~~

(2) At the end of the period of suspension, ~~such license so surrendered shall be returned to the licensee upon written application~~ THE LICENSEE MAY APPLY FOR AND RECEIVE A REPLACEMENT LICENSE UPON PAYMENT OF A FEE OF FIVE DOLLARS.

SECTION 19. 42-2-302 (1) (a), Colorado Revised Statutes, is amended to read:

42-2-302. Department may issue - limitations. (1) (a) Any person ~~which for purposes of this part 3 means~~ WHO IS a resident of ~~this state~~ COLORADO may be issued an identification card by the department, ~~certified by the registrant and~~ attested

by the APPLICANT AND department as to true name, date of birth, current address, ~~social security number, if any, and any other identifying data the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths or by an employee of the department.~~ AN APPLICATION FOR AN IDENTIFICATION CARD SHALL INCLUDE THE APPLICANT'S SOCIAL SECURITY NUMBER OR A SWORN STATEMENT MADE UNDER PENALTY OF LAW THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER. Such identification card shall not be issued until any previously issued instruction permit or minor driver's or driver's license is surrendered or cancelled. The applicant's social security number shall remain confidential and shall not be placed on the applicant's ~~driver's or minor driver's license~~ IDENTIFICATION CARD. ~~unless such applicant has waived such confidentiality, except that~~ Such confidentiality shall not extend to the state child support enforcement agency, the department, or a court of competent jurisdiction when requesting information in the course of activities authorized under article 13 of title 26, C.R.S., or article 14 of title 14, C.R.S.

SECTION 20. Repeal. 42-2-303 (2), Colorado Revised Statutes, is repealed as follows:

42-2-303. Contents of identification card. (2) ~~Any person applying for an identification card pursuant to this part 3 may request the department to imprint upon such identification card an emergency symbol. An emergency symbol means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information. The department, upon such request, shall imprint the emergency symbol upon the identification card.~~

SECTION 21. 42-2-304 (1), Colorado Revised Statutes, is amended to read:

42-2-304. Validity of identification card. (1) Except as provided in subsection (2) of this section, an identification card issued pursuant to this part 3 expires on the birthday of the registrant in the ~~tenth~~ FIFTH year after issuance of the identification card. The department may purge its records of such cards twelve years after issuance; except that any records concerning identification cards issued prior to April 16, 1996, may not be purged until October 1, 2003.

SECTION 22. 42-2-307, Colorado Revised Statutes, is amended to read:

42-2-307. Change of address. Any registrant who acquires an address different from the address shown on the identification card issued to the registrant shall within ~~ten~~ THIRTY days thereafter notify the department in writing of the registrant's old and new addresses. The department may thereupon take any action deemed necessary to ~~insure~~ ENSURE that the identification card reflects the proper address of the registrant.

SECTION 23. Article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-145. Notice - primary body color. (1) IF THE PRIMARY BODY COLOR OF A MOTOR VEHICLE IS SUBSEQUENTLY CHANGED FROM THE PRIMARY BODY COLOR THAT IS IDENTIFIED IN THE APPLICATION FOR REGISTRATION FOR THE MOTOR VEHICLE, THE OWNER OF THE MOTOR VEHICLE SHALL NOTIFY THE DEPARTMENT IN WRITING, WITHIN THIRTY DAYS AFTER THE COLOR OF SUCH MOTOR VEHICLE IS CHANGED, OF THE

NEW PRIMARY BODY COLOR OF THE MOTOR VEHICLE. THE PRIMARY BODY COLOR OF A MOTOR VEHICLE SHALL BE IDENTIFIED USING THE STANDARD COLOR DESCRIPTIONS OF THE DEPARTMENT THAT ARE ESTABLISHED PURSUANT TO SECTION 42-3-105 (1) (d).

(2) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 24. 25-20-102 (4), Colorado Revised Statutes, is amended to read:

25-20-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency. ~~A Colorado driver's license may be an identifying device if imprinted with the emergency symbol as authorized in section 42-2-114 (8), C.R.S.~~

SECTION 25. 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, 2005