

DEPARTMENT OF REVENUE

Division of Motor Vehicles – Driver’s License Section

RULES FOR THE APPLICATION FOR A DRIVER’S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD FOR U.S. CITIZENS AND INDIVIDUALS WHO CAN DEMONSTRATE PERMANENT LAWFUL PRESENCE AND COLORADO RESIDENCY STATUS

1 CCR 204-30, Rule 6

Basis, Purpose and Statutory Authority: ~~[Eff. 08/01/2014]~~

The statutory bases for this regulation are sections 24-4-103, 24-72.1-103, 42-1-204, 42-2-107, 42-2-108, and 42-2-302, C.R.S.

The purpose of this rule is to set forth regulations for the types of documents the Department will use-accept as proof of the applicant’s lawful presence in the U.S., identity, date of birth, social security number, and address of principal residence in Colorado, and U.S. citizenship or permanent lawful presence when applying for a driver’s license, instruction permit, or identification card. Additionally, ~~it~~ this rule describes the process the applicant will be required to follow for completing the application and what will occur if ~~an~~ their application is incomplete or denied, including. ~~Finally, it describes~~ the process the applicant may use to request a hearing if their application is denied.

1.0 Definitions

- 1.1 Applicant – Any natural person applying ~~as an individual~~ to the Department for a Colorado driver’s license, minor driver’s license, instruction permit, or identification card who is a U.S. citizen or who can demonstrate permanent lawful presence in the U.S. and residency in Colorado.
- 1.2 Department – The Colorado Department of Revenue.
- 1.3 Document – An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or photocopied-photocopies of documents.
- 1.4 Driver’s License – A driver’s license, ~~commercial driver’s license~~, minor driver’s license, or instruction permit.
- 1.5 Exceptions Processing – The procedure the Department has established for persons who are unable, for reasons beyond their control, to present all necessary documents and must rely on alternative documents to establish identity, date of birth or U.S. citizenship in lieu of lawful presence.
- 1.6 Full Legal Name – The applicant’s first name, middle name(s), and last name or surname, without use of initials or nicknames as it appears on the applicant’s documents presented upon application.
- 1.7 Hearing – Hearing before a Department Administrative Hearing Officer.

- 1.8 Identification Card – For the purpose of this rule, a ~~A~~ document issued by a Department of Motor Vehicles or its equivalent that contains the applicant’s full legal name, full facial digital photograph, date of birth, and ~~gendersex~~, but does not confer upon the bearer the right to operate a motor vehicle.
- 1.9 Identity – The verifiable characteristics that when taken together make a person unique and identifiable. ~~Elements Evidence~~ of identity includes proof of name, date of birth, and physical characteristics including a verifiable photograph.
- 1.10 Incomplete Application – ~~Any An~~ application for a Colorado driver’s license, instruction permit, or identification card that does not satisfy federal and state requirement for the issuance of a Colorado driver’s license, instruction permit, or identification card.~~provide sufficient information or documentary evidence.~~
- 1.11 Lawful Presence – ~~The status of a person who demonstrates U.S. citizenship or permanent lawful presence. Demonstration of citizenship in the U.S. or the lawful entry of an alien into the U.S. for an authorized period of time after inspection and authorization by an immigration officer.~~
- 1.12 SAVE – ~~The Department of Homeland Security~~ The Systematic Alien Verification ~~System~~ for Entitlements system, ~~which is~~ managed by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.
- 1.13 SSN – The Social Security Number issued by the U.S. Social Security Administration (SSA).
- ~~1.14~~ 3 SSOLV – The Social Security Online Verification system managed by the ~~Social Security Administration (SSA).~~

2.0 Proof of Identity, Date of Birth, and Lawful Presence, ~~Social Security Number, and Residence~~

- 2.1 Every application for a Colorado driver’s license, instruction permit, or identification card shall ~~state include~~ the applicant’s full legal name, date of birth, ~~gendersex~~, SSN, and residence address of principal residence.
~~of the applicant. In addition, the application shall include the applicant’s social security number (SSN).~~
- 2.2 An applicant must provide source documents that are secure and verifiable as defined in §section 24-72.1-102(5), C.R.S. to establish identity, date of birth and lawful presence.
- 2.3 The following documents or combination of documents are acceptable to establish identity, date of birth, and lawful presence:
- 2.3.1 A valid unexpired Colorado driver’s license, instruction permit, or identification card except that a Colorado driver’s license, instruction permit, or identification card issued under the Colorado Road and Community Safety Act, section 42-2-501 et seq., (§ 42-2, C.R.S.) is not acceptable.
- 2.3.2 A valid unexpired U.S. passport bearing the full legal name of the applicant.
- 2.3.3 A certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the applicant’s state of birth.
- 2.3.4 A Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State (Form FS-240, DS-1350, or FS-545).
- 2.3.5 A valid, unexpired Permanent Resident Card (Form I-551) issued by the Department of Homeland Security (DHS) or the U.S. ~~Citizenship and~~

~~Immigration Services (INS) (formerly the U.S. Immigration and Naturalization Service).~~

2.3.6 A Certificate of Naturalization issued by DHS (Form N-550 or N-570).

2.3.7 A Certificate of Citizenship issued by DHS (Form N-560 or N-561).

~~2.4 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth and lawful presence may request Exceptions Processing.~~

~~2.5 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth and lawful presence, may request a Notice of Denial and contest the decision through the process described in section 8.0 below.~~

~~2.6~~2.3.8 In addition to the documents listed in Section 2.3, the following documents may also be used to establish an applicant's identity and date of birth: A valid~~an~~ unexpired Real ID driver's license, instruction permit, or identification card issued in compliance with the standards in established by the federal Real ID Act and verified with the state of issuance and such other documents as determined by the Department consistent with the REAL ID Act;~~an unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688(B); or an unexpired foreign passport with a valid unexpired U.S. Visa affixed and accompanied by the approved I-94 Form documenting the applicant's most recent admittance into the U.S.~~

~~2.7~~4 ~~Any~~ If an applicant submits any source document ~~source document provided by the applicant~~ that reflects a name differing from the applicant's full legal name (for example through marriage, adoption, court order or other mechanism permitted by state law or regulation), the Department shall require evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the Department.

3.0 Social Security Requirements

3.1 ~~An applicant must present his or her SSA account card; if the SSA account card is not available, the applicant may present any of the following documents bearing the applicant's SSN:~~The documents acceptable to establish a SSN are:

~~3.1.1 SSA account number card; or, if a SSA account card is not available, the person may present any of the following documents bearing the applicant's SSN:~~

~~3.1.1.1~~ A W-2 form,

~~3.1.1.2~~ A SSA-1099 form,

~~3.1.1.3~~ A non-SSA-1099 form, or

~~3.1.1.4~~ A pay stub with the applicant's name and SSN on it.

3.2 An applicant's SSN shall be verified with the SSOLV.

4.0 Address of Principal Residence in Colorado

4.1 To document the address of principal residence in Colorado, an applicant must present at least two documents that include the applicant's name and principal residence. Examples include, but are not limited to: utility bill, credit card statements, pay stub or earnings statement, rent receipt, telephone bill, or bank statement.~~A street address is required except as provided below:~~

4.2 A Colorado street address must be displayed-is required except as provided below:

- 4.2.1 An alternative address may be displayed for individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address.
- 4.2.2 An alternative address may be displayed for individuals who satisfy any of the following:
 - 4.2.2.1 If the individual is enrolled in a State address confidentiality program, which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain and use alternative addresses; and provides that the address of such person must be kept confidential, or other similar program; or
 - 4.2.2.2 If the individual's address is entitled to be suppressed under ~~S~~state or ~~F~~Federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or
 - 4.1.2.3 If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- 4.2.3 In areas where a number and street name has not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable.

5.0 Process for Complete Application

- 5.1 When an applicant has completed the required application and ~~met-established~~ the standards set forth in ~~this rule 2.0 above~~, an application will be printed; the applicant will be required to review and verify the information on the application by signing a "signature capture device"; a fingerprint will be captured; and a photograph of the applicant will be taken. The printed and signed application serves as the temporary Colorado driver's license, instruction permit, or identification card. ~~document.~~ The permanent ~~identification document~~ Colorado driver's license, instruction permit, or identification card will be is mailed to the applicant at the address provided on the application.

6.0 Process for Incomplete Application

- 6.1 If an application is incomplete or the applicant has failed to provide documents verifiable by the Department for identity, date of birth or lawful presence, the Department may provide a Notice of Incomplete Application.
- 6.2 The Notice of Incomplete Application ~~may-shall~~ include a notation of the reason for the decision that the application is incomplete. If the authenticity of a document cannot be verified, then an application may be considered incomplete and additional documentation may be ~~required~~ submitted, or the applicant may be referred to Exceptions Processing. An applicant may return to the Department with ~~the required~~ additional documentation prior to being denied a Colorado driver's license, instruction permit, or identification card.
 - 6.32.4 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth, and U.S. citizenship lawful presence may request Exceptions Processing.
 - 6.42.5 Any applicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish identity, date of birth, and U.S. citizenship and lawful presence may request a Notice of Denial and contest the decision through the process described in section 8.0 below.

7.0 Denial of Applications

- 7.1 Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an applicant has presented documents that are fraudulent or that are not secure and verifiable pursuant to § section 24.72.1-102(5), C.R.S.
- ~~7.2.1~~ Nothing in this regulation restricts or prohibits the Department from verifying any document presented by an applicant.
- ~~7.3.1.2~~ An application shall be denied if the applicant presents fraudulent or altered documents or commits any other fraud in the application process.

8.0 Hearing and Final Agency Action

- 8.1 An Applicant who has received a Notice of Denial may, within ~~sixty (60)~~ days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. #106, Lakewood, CO 80214.
- 8.2 Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act and the provisions of Title 42 of the Colorado Revised Statutes.
- 8.3 The only issue at the hearing shall be whether the applicant has satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card.~~documentation provided by an applicant is sufficient~~
- 8.4 The hearing officer shall issue a written decision ~~within fifteen (15) business days of the completion of the hearing.~~ If the hearing officer finds that the applicant has not satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card.~~documentation is insufficient~~, then the denial shall be sustained. If the hearing officer finds that the applicant has satisfied federal and state requirements for the issuance of a Colorado driver's license, instruction permit, or identification card.~~documentation is sufficient~~, then the denial shall be rescinded and the Department shall issue the Colorado driver's license, instruction permit, or identification card.
- 8.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section§ 24-4-106, C.R.S.