

## DEPARTMENT OF REVENUE

### Division of Motor Vehicles – Driver’s License Section

#### RULES FOR EXCEPTIONS PROCESSING

##### 1 CCR 204-30, Rule 16

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

The statutory bases for this regulation are sections 13-15-101(5)(a), 13-15-102, 24-4-103, 42-1-204, 42-1-230, 42-2-107, 42-2-302 and 42-2-136 C.R.S. ~~and~~ This regulation applies to documents issued under Title 42, Article 2, Parts 1, 2, 3, and 5.

The purpose of this rule is to set forth regulations for an Exceptions Process and identify the alternate documents the Department will accept. Exceptions Processing is the procedure the Department has established for persons who are unable, for reasons beyond their control, to ~~meet the minimum requirements~~ present all the necessary documents required for a Colorado or Colorado Road and Community Safety Act driver’s license, instruction permit, or identification card, and ~~need to present~~ must rely on alternative documents. For applicants who are U.S. citizens, Exceptions Processing allows for alternative documents to be presented that establish identity, date of birth and U.S. citizenship in lieu of lawful presence. For applicants ~~that who~~ cannot demonstrate lawful presence or for applicants ~~that who~~ can demonstrate temporary ~~and or~~ permanent lawful presence, Exceptions ~~P~~rocessing allows for alternative documents to be presented that establish identity, and date of birth. For applicants who are homeless, Exceptions Processing allows for an alternative to establish residency.

##### **1.0 Definitions**

- 1.1 Applicant – Any natural person applying ~~as an individual~~ to the Department for a Colorado license or identification card, or a CO-RCSA document.
- 1.2 ~~3~~ CO-RCSA – The Colorado Road and Community Safety Act, section 42-2-501, C.R.S.
- 1.2 ~~3~~ Department – The Colorado Department of Revenue.
- 1.3 ~~4~~ 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 ~~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.
- 1.5 ~~6~~ Full Legal Name – The applicant’s first name, middle name(s), 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 ~~6~~ Identification Card – 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 gender-sex but does not confer upon the bearer the right to operate a motor vehicle.

- 1.79 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.
- 1.8-10 Incomplete Application – An application ~~for a driver's license or identification card~~ that does not satisfy all the federal and state requirements for issuance of a Colorado driver's license, instruction permit, or identification card, or for issuance of a CO-RCSA identification document. ~~provide sufficient information or documentary evidence.~~
- 1.9-11 Lawful Presence – ~~For the purposes of this rule, the status of a person who demonstrates U.S. citizenship. Demonstration of citizenship in the U.S. or the lawful entry of a non-citizen into the U.S. for an authorized period of time after inspection and authorization by an immigration officer.~~
- 1.120 License – A driver's license, ~~commercial driver's license,~~ minor driver's license, or instruction permit.
- 1.13+ Minor Spelling Inconsistencies – Slight variations in the spelling of a name such that the variations are similar in appearance or produce a phonetically similar or identical sound as pronounced. Soundex – A phonetic algorithm for indexing names by sound as pronounced in English so that the representation can be matched despite minor differences in spelling.
- 1.1214 SSOLV – The Social Security Online Verification system managed by the Social Security Administration.
- 1.15 Temporary Lawful Presence – A person whose authority to lawfully remain in the United States is temporary and who qualifies for a temporary identification document card.

## 2.0 Exceptions Processing Procedures

- 2.1 An applicant who has applied for a driver's license, instruction permit, or identification card and was unable to provide the required documents may request Exceptions Processing after being issued a Notice of Incomplete Application.
- 2.2 ~~A~~For applicants who are U.S. citizens, Exceptions Processing shall only be used ~~for to~~ establishing identity, date of birth and U.S. ~~c~~Citizenship in lieu of lawful presence. ~~For permanent residents in the U.S., Exceptions processing shall only be used for establishing identity and date of birth.~~
- 2.3 ~~Applicants~~For applicants with permanent residency status and applicants who are applying for an identification document pursuant to driver's license or identification card in accordance with the Colorado Road and Community Safety Act, section 42-2-505 and 42-2-506 C.R.S may use CO-RSCA. Exceptions Processing shall only be used to ~~for~~ establishing identity and date of birth.
- 2.4 If an applicant submits A any 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.
- 2.5 The Department may resolve minor spelling inconsistencies in, or slight misspellings of, the spelling of a name through Exceptions Processing if the totality of the evidence gathered demonstrates the applicant's identify and the resolution is not contrary to the

~~public interest has the authority to correct the spelling of a name if the name correction meets Soundex standards or the name correction is not contrary to the public interest.~~

~~2.5.1 — If an applicant is seeking a simplified name change to correct minor spelling discrepancies or to harmonize name discrepancies, the applicant shall meet the requirements as set forth in section 13-15-101(5)(a) C.R.S.~~

## **2.67 Exceptions processing to establish identity and date of birth for U.S. citizens, ~~and non-citizens with lawful permanent residency status.~~**

2.67.1 The following documents or combination of documents may be used to establish an applicant's identity and/or date of birth:

2.76.1.1 A U.S. Passport expired no more than ~~ten-10~~ years.

2.76.1.2 A driver's license, instruction permit, or identification card issued by any state, including a state that does not require proof of lawful presence to obtain such document, that either has not expired or that expired within the last ~~ten-10~~ years.

2.76.1.3 ~~An unexpired~~A military identification card or common access card expired no more than 10 years issued by the U.S. Department of Defense that bears a photograph of the applicant. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.

2.76.1.4 A life, health, or other insurance record that bears the applicant's full legal name, date of birth and place of birth.

2.76.1.5 An identification card issued within the last ~~twenty-20~~ years by the Bureau of Indian Affairs or by a federally recognized Native American Tribe, and verified by the issuing authority, that bears a photograph of the applicant, provided the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant.

2.76.1.6 A Veteran's Administration card that bears a photograph of the Applicant and was issued within the last ~~twenty-20~~ years.

2.76.1.7 An identity card issued by the Federal Bureau of Prisons or any State Department of Corrections, verified by the issuing authority, provided the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant. ~~as proof of lawful presence.~~

2.76.1.8 A valid individual Colorado (issued by the Department) or ~~f~~Federal U.S. income Tax return, with an applicant's copy of an Internal Revenue Service form W-2 or 1099. Validity shall be determined using the SSOLV system. If the social security number on the document provided is not validated by the SSOLV system, then the document shall be deemed invalid.

2.76.1.9 A Department record of a driver's license, instruction permit, or identification card that contains the applicant's facial digital photograph, signature, and fingerprint provided the image, signature and fingerprint match those of the applicant. For the applicant to utilize this provision and for the Department to access the record, the

applicant must provide either their Social Security Number or a document identified in sections 2.7.1.1 through 2.7.1.9 of this regulation. The Social Security Number or the information on the document must match the information on the Department's record and be verified with the SSOLV.

~~2.76.1.10~~ An Affidavit of Identity that includes the name or names by which the applicant is known, ~~and facts indicating that the applicant is a U.S. citizen.~~

~~2.67.1.10.1~~ The affiant must present the affidavit in person, provides identification, and sign the affidavit in the presence of a Department employee.

~~2.76.1.10.2~~ The affiant must be an employee of a government or non-profit agency registered by the Department with proof of agency affiliation.

~~2.67.1.10.3~~ The Affidavit of Identity shall be used for applicants ~~that who~~ can demonstrate U.S. Citizenship.

~~2.76.1.11~~ Any ~~other~~ document that is secure and verifiable, pursuant to section 24-72-1.10-2(5), C.R.S., as determined by the Department, which establishes evidence of the applicant's identity or date of birth.

## **2.87 Exceptions processing for U.S. citizens using alternate documents to establish **lawful U.S. status citizenship presence in lieu of lawful presence.****

~~2.87.1~~ ~~An applicant may use alternative documents to establish lawful presence, but only if the documents demonstrate U.S. citizenship. Where an applicant claims to be a U.S. citizen but is unable to produce a U.S. birth certificate to establish U.S. citizenship, the Department has the authority to accept alternative documents to U.S. birth certificates.~~

~~2.87.1.1~~ The following documents or combination of documents may be accepted in support of an applicant seeking to establish U.S. Citizenship:

~~2.87.1.1.1~~ A certified Order of Adoption of the applicant bearing the seal or certification of the court of any sState, political subdivision, or territory of the United States, ~~and which includes the date and location of adoptee's birth within the United States.~~ or a certified Order of Adoption of that applicant bearing the seal or certification of the court where a valid adoption took place abroad, so long as the same adoption was the basis of the applicant's admission into the United States a legal permanent resident. Any adoption decree must include the date and location of the adoptee's birth.

~~2.87.1.1.2~~ A U.S. passport expired no more than ~~ten~~ 10 years.

~~2.87.1.1.3~~ A city issued birth certificate, hospital birth record, religious records (such as baptismal records) that include the name and date of birth.

2.7.1.1.4 Any of the documents listed in 2.6.1 that include a social security number may also be used to verify a social security number.

2.87.1.1.45 Any ~~other~~ secure and verifiable document that may serve to provide evidence of the applicant's lawful presence, if the document also demonstrates U.S. citizenship.

## **2.8 Exceptions processing to establish identity and date of birth for non-citizens with permanent lawful presence.**

2.8.1 The following documents or combination of documents may be used to establish an applicant's identity and/or date of birth:

2.8.1.1 A driver's license, instruction permit, or identification card issued by any state, including a state that does not require proof of lawful presence to obtain such document, that either has not expired or that expired within the last 10 years.

2.8.1.2 A military identification card or common access card expired no more than 10 years issued by the U.S. Department of Defense that bears a photograph of the applicant. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.

2.8.1.3 A life, health, or other insurance record that bears the applicant's full legal name, date of birth and place of birth.

2.8.1.4 A Veteran's Administration card that bears a photograph of the Applicant and was issued within the last 20 years.

2.8.1.5 An identity card issued by the Federal Bureau of Prisons or any State Department of Corrections, provided the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant.

2.8.1.6 A valid individual Colorado or federal Tax Return, with an applicant's copy of an Internal Revenue Service form W-2 or 1099. Validity shall be determined using the SSOLV system. If the social security number on the document provided is not validated by the SSOLV system, then the document shall be deemed invalid.

2.8.1.7 A Department record of a driver's license, instruction permit, or identification card that contains the applicant's facial digital photograph, signature, and fingerprint provided the image, signature and fingerprint match those of the applicant. For the applicant to utilize this provision and for the Department to access the record, the applicant must provide either their Social Security Number or a document identified in sections 2.7.1.1 through 2.7.1.9 of this regulation. The Social Security Number or the information on the document must match the information on the Department's record.

2.8.1.8 Any document that is secure and verifiable pursuant to section 24-72-1.102(5), as determined by the Department, which establishes evidence of the applicant's identity or date of birth.

**2.9 Exceptions processing to establish identity and date of birth for applicants that cannot demonstrate lawful presence or applicants who can demonstrate temporary lawful presence.**

2.9.1 The following documents or combination of documents may be used by an applicant to establish identity and/or date of birth:

2.9.1.1 A driver's license, instruction permit, or identification card issued by any state, including a state that does not require proof of lawful presence to obtain such document, that has not expired or that has expired within the last ten years.

~~2.9.1.2 An identification card issued within the last twenty years by the Bureau of Indian Affairs or federally-recognized Native American tribe and bears a photograph of the applicant.~~

~~2.9.1.3~~ A military identification card or common access card issued by the U.S. Department of Defense that contains a photograph of the applicant that has expired within the previous ~~ten~~ 10 years. Such identification cards include active duty, retiree, National Guard, and dependent identification cards.

~~2.9.1.4~~ A Veteran's Administration card issued within the last ~~twenty~~ 20 years that bears a photograph of the applicant.

~~2.9.1.5~~ An identification card issued by the Federal Bureau of Prisons or any State Department of Corrections provided that the first and last name and date of birth match the first and last name and date of birth on the document presented by the applicant ~~as proof of lawful presenee (where applicable).~~

~~2.9.1.6~~ A life, health, or other insurance record that bears the applicant's name, date of birth, and place of birth

~~2.9.1.7~~ Any other document that is secure and verifiable pursuant to section 24-72.1-102(5), C.R.S., which may serve to provide evidence of the applicant's identity or identity as determined by the Department.

~~2.140 If the totality of evidence gathered through Exceptions Processing establishes the applicant's identity, date of birth, and U.S. citizenship, SSN, permanent residence and lawful presenee (where applicable), the applicant shall be issued a Colorado or CO-RCSA driver's license, instruction permit, or identification card.~~

~~2.112 If the totality of evidence gathered through Exceptions Processing does not reasonably establish the applicant's identity, date of birth, and U.S. citizenship, SSN, permanent residence and lawful presenee (where applicable), the applicant shall be issued a Notice of Denial and thereafter may request a hearing with Hearings Section of the Department.~~

2.12 Proof of residency documents are waived, if an applicant provides a letter on letterhead, signed by the director of a homeless shelter, certifying that the individual is homeless and stays at the shelter.

**2.103.0 Process for Translation**

3.12.10.1 All documents provided to the Department by the applicant shall be in English or have been translated into English.

~~3.22.10.2~~ The original and corresponding translated documents shall be presented together at the time of application.

~~3.32.10.3~~ All documents translated must have the following included at the end (must be typed or electronically printed on the same page as the translation, not on separate pieces of paper or the translation will not be accepted by the Department):

~~3.3.12.10.3.1~~ An attestation that states: “I, [insert translator’s full name], affirm that the foregoing is a complete and accurate translation from [insert foreign language] to the English language to the best of my ability. I further affirm that I am fully competent to translate from [insert foreign language] to the English language and that I am proficient in both languages.”; and I, \_\_\_\_\_, affirm that the foregoing is a complete and accurate translation from (insert name of foreign language) \_\_\_\_\_ to the English language to the best of my ability. I further affirm that I am fully competent to translate from (insert name of foreign language) \_\_\_\_\_ into the English language and that I am proficient in both languages.

~~3.3.22.10.3.2~~ The number and state of issuance of the translator’s unexpired driver’s license, instruction permit, or identification card.

~~—The person performing the translation must provide an unexpired driver’s license or identification card number and state of issuance. This information shall be included with the applicant’s permanent motor vehicle record.~~  
~~3.4~~ All translated documents and information required by rule 3.3 shall be included in the applicant’s permanent motor vehicle record.

~~3.52.10.3.3~~ Applicants are responsible for all costs of translation.

~~2.11~~ ~~If the totality of evidence gathered through Exceptions Processing establishes the applicant’s identity, date of birth, SSN, permanent residence and lawful presence (where applicable), the applicant shall be issued a Colorado driver’s license or identification card.~~

### **43.0 Denial of Application**

~~43.1~~ 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.

~~4.23.1.1~~ Nothing in this regulation restricts or prohibits the Department from verifying any documents presented by an applicant.

~~4.33.1.2~~ An application shall be denied if the applicant presents fraudulent or altered documents or commits any other fraud in the application process. If the authenticity of a document cannot be verified, then the application may be considered incomplete and additional documentation may be required.

### **54.0 Hearing and Final Agency Action**

~~45.1~~ 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.

~~45.2~~ Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act and the provisions of Title 42 of Colorado Revised Statutes.

- 45.3 The only issue at hearing shall be whether the ~~documentation provided by an applicant is sufficient.~~ applicant has satisfied federal and state requirement for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card.
- 45.4 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 state and federal requirements for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card~~documentation is insufficient,~~ then the denial shall be sustained. If the hearing officer finds that applicant has satisfied state and federal requirements for the issuance of a Colorado or CO-RCSA driver's license, instruction permit, or identification card~~the documentation is sufficient,~~ then the denial shall be rescinded and the Department shall issue ~~the a~~ Colorado or CO-RCSA driver's license or, instruction permit, or identification card.
- 45.5 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.

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