

**Colorado Department of Revenue
Motor Vehicles Division
Emergency Rules Concerning:**

New Rules, Division of Motor Vehicles – Driver's License Section, 1 CCR 204-30, Rule Numbers:

Rule 1 – Rules for Application for a Colorado Road and Community Safety Act Identification Document

Rule 6 – Rules for the Application for a Driver's License or Identification Card for U.S. Citizens and Individuals Who Can Demonstrate Permanent Residency Status

Rule 16 – Rules for Exceptions Processing

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103(6), 42-1-201, 42-1-204, 42-1-230, and 42-2-403, C.R.S., I, Barbara Brohl, Executive Director of the Department of Revenue, hereby repeal 1 CCR 204-13 and adopt the aforementioned emergency rules, which are attached hereto.

Section 24-4-103(6), C.R.S., authorizes the Executive Director of the Department of Revenue to adopt an emergency rule if the Executive Director finds that the immediate adoption of the rule is imperatively necessary to comply with a state law or for the preservation of public health, safety, or welfare, and that compliance with the requirements of section 24-4-103, C.R.S. would be contrary to the public interest.

I find that the repeal of 1 CCR 204-13 and the immediate adoption of Rules 1, 6, and 16 is necessary to comply with the statutory mandates of Part 5, Article 2 of Title 42, of the Colorado Revised States, adopted through Senate Bill 13-251, with section 42-1-230, C.R.S., adopted through Senate Bill 14-194, and with section 42-2-302 adopted through Senate Bill 14-087. I find that individuals will be authorized to submit applications for identification documents under Part 5 of Article 2 of Title 42 on or after August 1, 2014, and that the Department is required to provide the opportunity for exceptions processing beginning September 1, 2014, and that immediate adoption of these rules is necessary to comply with state laws and for the preservation of public health, safety, and welfare. Finally, I find that compliance with the requirements of section 24-4-103, C.R.S. would be contrary to the public interest.

Statutory Authority

The statutory authority for the creation of these emergency rules is cited above. See also, for example, sections 13-15-101, 13-15-102, 24-4-103, 24-72.1-103, 42-1-102(31.5), C.R.S., and Title 42, Article 2, Parts 1, 2, 3 and 5, C.R.S.

Purpose

These rules implement the requirements of Senate Bill 13-251, which authorizes an individual to qualify for a driver's license, minor driver's license, instruction permit, or identification card despite the individual not being lawfully present or being temporarily lawfully present in the United States, and applies to identification documents for individuals who are not citizens of the United States and who do not have permanent residency status, and which provides that the Department may promulgate a rule imposing an additional fee for issuance of identification documents under Part 5. The Department is adopting these rules on an emergency basis to assure the public is provided with notice of the requirements for

identification documents issued pursuant to Part 5, Article 2, Title 42 prior to August 1, 2014, the first day on which applications for such documents may be submitted.

The Department will comply with permanent rulemaking procedures, and afford interested persons an opportunity to submit written data, views, or arguments, or present the same orally, for the Department to consider prior to adopting permanent rules all in accordance with rule-making procedures found in section 24-4-103, C.R.S.

Adoption

For the reasons set forth above, I hereby repeal 1 CCR 204.13 and adopt emergency rules 1 CCR 204-30, Rule 1, Rule 6, and Rule 16, which are attached hereto and which shall be effective on August 1, 2014. These emergency rules shall be in force and effect until the earlier of the date on which they are replaced by permanent rules, or for a period of one hundred and twenty days from the date of adoption.

Adopted this 25th day of July, 2014.



Barbara J. Brohl
Executive Director
Colorado Department of Revenue