

RULE 6 RULES FOR THE APPLICATION FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD FOR U.S. CITIZENS AND INDIVIDUALS WHO CAN DEMONSTRATE PERMANENT LAWFUL PRESENCE AND COLORADO RESIDENCY

Purpose

The purpose of this rule is to set forth regulations for the types of documents the Department will accept as proof of the aApplicant's iIdentity, date of birth, residency, and U.S. citizenship or pPermanent lLawful pPresence when applying for a dDriver's lLicense or iIdentification eCard. Additionally, this rule describes the process the aApplicant will be required to follow for completing the application and what will occur if an application is incomplete or denied, including the process the aApplicant may use to request a hHearing if their application is denied.

Statutory Authority

The statutory bases for this regulation are sections 24-4-103, 24-72.1-102(5), 24-72.1-103, 42-1-204, 42-2-107, 42-2-108, and 42-2-302, C.R.S.

Incorporation by Reference of Federal Law

The Department incorporates, as part of Rule 6 of the Department of Revenue Regulations, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, section 384, 110 Stat. 3009 (Sept. 30, 1996), referred to in this Rule 6. Such Act is published by the Department of Homeland Security in full in the United States Statutes at Large, Volume 110, page 3009. Rule 6 does not include any later amendments or editions of such Act.

A copy of such Act is available for a reasonable charge from the Colorado Department of Revenue, 1881 Pierce Street, Lakewood, Colorado 80214. A copy of such Act is maintained by the Colorado Department of Revenue and may be inspected by contacting the Records Custodian at the Colorado Department of Revenue, 1881 Pierce Street, Lakewood, Colorado 80214 during normal business hours. The incorporated material may also be examined at any state publications depository library. A copy, including a certified copy, of such Act is also available from the United States Citizenship and Immigration Services ("USCIS") Historical Reference Library at 111 Massachusetts Avenue NW, First Floor (MS2180), Washington, DC 20529-2180.

1.0 Definitions

- 1.1 Applicant—Any natural person applying to the Department for a Colorado dDriver's lLicense or iIdentification eCard who is a U.S. citizen or who can demonstrate pPermanent lLawful pPresence 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 photocopies of documents.
- 1.4 Driver's License—A 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 ~~e~~Documents and must rely on alternative ~~e~~Documents to establish ~~i~~identity, date of birth, or U.S. citizenship
- 1.6 Full Legal Name —The ~~a~~Applicant's first name, middle name(s), and last name or surname, without use of initials or nicknames.
- 1.7 Hearing—Hearing before a Department Administrative Hearing Officer.
- 1.8 Identification Card— A ~~e~~Document issued by a Department of Motor Vehicles or its equivalent that contains the ~~a~~Applicant's ~~f~~Full ~~l~~Legal ~~n~~Name, full facial digital photograph, date of birth, and sex, 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. Evidence of ~~i~~identity includes proof of ~~F~~ull ~~L~~egal ~~N~~ame, date of birth, and physical characteristics and must include a verifiable photograph unless approved through Exceptions Processing.
- 1.10 Incomplete Application—An application for a Colorado ~~e~~Driver's ~~l~~icense or ~~i~~dentification ~~e~~Card that does not satisfy federal and state requirements for the issuance of a Colorado ~~e~~Driver's ~~l~~icense or ~~i~~dentification ~~e~~Card.
- 1.11 ~~Lawful Presence—The status of a person who demonstrates U.S. citizenship or permanent lawful presence.~~
- 4.12 SAVE— The Department of Homeland Security Systematic Alien Verification for Entitlements system, managed by the U.S. Citizenship and Immigration Services of the Department of Homeland Security.
- 1.12 **Permanent Lawful Presence - The status of a person who is a citizen or nation of the United States, a lawful permanent resident, a conditional lawful permanent resident, an asylee, or a refugee.**
- 1.13 SSA – The U.S. Social Security Administration.
- 1.14 SSN – The Social Security Number issued by SSA.
- 1.15 SSOLV—The Social Security Online Verification system managed by SSA.
- 1.16 **Travel Document - The Refugee Travel Document issued to a person with refugee or asylum status who wishes to travel outside the United States in order to return to the United States. Similar in appearance to a U.S. passport.**
- 1.17 USCIS – United States Citizenship and Immigration Services.

2.0 Proof of Identity, Date of Birth, and **Permanent Lawful Presence**

- 2.1 Every application for a Colorado ~~e~~Driver's ~~l~~icense or ~~i~~dentification ~~e~~Card shall include the ~~a~~Applicant's full legal name, date of birth, sex, SSN, and address of principal residence.

- 2.2 An **a**Applicant must provide source **d**Documents that are secure and verifiable as defined in section 24-72.1-102(5), C.R.S.
- 2.3 The following **d**Documents or combination of **d**Documents are acceptable to establish **i**Identity, date of birth, and **Permanent** **l**Lawful **p**Presence:
- 2.3.1 A valid, unexpired Colorado **d**Driver's **l**License or **i**Identification **e**Card except that a Colorado **d**Driver's **l**License or **i**Identification **e**Card issued under the Colorado Road and Community Safety Act, section 42-2-501 et seq., C.R.S. is not acceptable.
- 2.3.2 A valid, unexpired U.S. passport verified using U.S. Passport Verification Services.
- 2.3.3 A certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the **a**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 USCIS-, **a valid or less than 10 years expired foreign passport with an I-551 ADIT (Alien Documentation, Identification and Telecommunication) stamp, a valid foreign passport with DHS stamped US visa showing admittance as a permanent resident for 1 year, or an expired I-551 card with an I-797 notice showing an unexpired extension, verified by SAVE.**
- 2.3.6 A Certificate of Naturalization issued by DHS or USCIS (Form N-550 or N-570), **verified by SAVE.**
- 2.3.7 A Certificate of Citizenship issued by DHS or USCIS (Form N-560 or N-561), **verified by SAVE.**
- 2.3.8 A valid unexpired **d**Driver's **l**License or **i**Identification **e**Card verified with the state of issuance.
- 2.3.9 **An unexpired foreign passport accompanied by a valid I-94 demonstrating approved refugee or asylee status, a valid I-94 demonstrating approved refugee or asylee status with DHS-attached photo less than 20 years old, or a valid I-94 demonstrating approved refugee or asylee status with a Travel Document, verified by SAVE.**
- 2.3.10** Such other **d**Documents as determined by the Department consistent with the REAL ID Act.
- 2.4 To establish a name other than the name that appears on a source **d**Document (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 **d**Documents issued by a court, governmental body, or other entity as determined by the Department.

3.0 Social Security Requirements

- 3.1 An **a**Applicant must provide his or her SSN.
- 3.2 An **a**Applicant's SSN shall be verified using SSOLV.

4.0 Address of Principal Residence in Colorado

- 4.1 To document the address of principal residence in Colorado, an **a**Applicant must present at least two **d**Documents that include the **a**Applicant's name and address of 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.
- 4.2 A Colorado street address must be displayed **on the Driver's License or Identification Card** except as provided below:
 - 4.2.1 An alternative address may be displayed for individuals for whom a State law, regulation, or the procedures of the Department permit 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 is entitled to have their address suppressed under state or federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or
 - 4.2.2.3 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 Qualifications for Issuance of a Duplicate Driver's License

- 5.1 Applicants may apply for a duplicate of an existing **d**Driver's **L**icense as provided below:
 - 5.1.1 Applicants may appear in person and certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed by completing the "Request for Duplicate Instruction Permit/Driver's License" (DR2989) form provided by the Department.
 - 5.1.2 Applicants may submit, by mail, the "Request for Duplicate Instruction Permit/Driver's License" (DR2989) form provided by the Department on which the **a**Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.
 - 5.1.3 Eligible **a**Applicants may submit an electronic application, on which the **a**Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.

6.0 Electronic Applications

- 6.1 The Department may accept electronic applications for services provided electronically.
- 6.2 The Department may accept an application electronically if the aApplicant's fingerprint was captured as part of a previous application.
- 6.3 The Department may accept an application electronically if a signature was captured as part of a previous application and if the aApplicant verifies the information on the application.

7.0 Process for Complete Application

- 7.1 When an aApplicant has completed the required application and met the standards established in this rule, the aApplicant 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 aApplicant will be taken. A temporary Colorado dDriver's lLicense or iIdentification eCard will be issued. The permanent Colorado dDriver's lLicense or iIdentification eCard will be mailed to the aApplicant at the address provided on the aApplicant's application.

8.0 Process for Incomplete Application

- 8.1 If an application is incomplete or the aApplicant has failed to provide dDocuments verifiable by the Department for iIdentity, date of birth, Permanent lLawful pPresence, and/or residency in Colorado, the Department shall provide a Notice of Incomplete Application unless the Department provides a Notice of Denial per section 9.0 below.
- 8.2 The Notice of Incomplete Application shall include a notation of the information that is incomplete or of the documentation that is unverifiable. If the authenticity of a dDocument cannot be verified, then an application may be considered incomplete and additional documentation may be required, or the aApplicant may be referred to Exceptions Processing. An aApplicant may return to the Department with additional documentation prior to being denied a Colorado dDriver's lLicense or iIdentification eCard.
- 8.3 Any aApplicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish iIdentity, date of birth, and/or Permanent lLawful pPresence, may proceed with Exceptions Processing.
- 8.4 Any aApplicant who has received a Notice of Incomplete Application and believes he or she has provided sufficient documentation to establish iIdentity, date of birth, Permanent lLawful pPresence, and/or residency may request a Notice of Denial and contest the decision through the process described in section 9.0 below.

9.0 Denial of Applications

- 9.1 If an application is incomplete or the aApplicant has failed to provide dDocuments verifiable by the Department for iIdentity, date of birth, Permanent lLawful pPresence, and/or residency, the Department may provide a Notice of Denial.

- 9.2 Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an ~~a~~Applicant has presented ~~d~~Documents that are fraudulent or that are not secure and verifiable pursuant to section 24-72.1-102(5), C.R.S.
- 9.3 Nothing in this regulation restricts or prohibits the Department from verifying any ~~d~~Document presented by an ~~a~~Applicant.
- 9.4 An application shall be denied if the ~~a~~Applicant presents fraudulent or altered ~~d~~Documents or commits any other fraud in the application process.

10.0 Hearing and Final Agency Action

- 10.1 An Applicant who has received a Notice of Denial may, within 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 the address specified on the Notice of Denial.
- 10.2 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.
- 10.3 The only issue at the hearing shall be whether the ~~a~~Applicant has satisfied federal and state requirements for the issuance of a Colorado ~~d~~Driver's ~~l~~License or ~~i~~Identification ~~e~~Card.
- 10.4 The hearing officer shall issue a written decision. If the hearing officer finds that the ~~a~~Applicant has not satisfied federal and state requirements for the issuance of a Colorado ~~d~~Driver's ~~l~~License or ~~i~~Identification ~~e~~Card, then the denial shall be sustained. If the hearing officer finds that the ~~a~~Applicant has satisfied federal and state requirements for the issuance of a Colorado ~~d~~Driver's ~~l~~License or ~~i~~Identification ~~e~~Card, then the denial shall be rescinded and the Department shall issue the Colorado ~~d~~Driver's ~~l~~License or ~~i~~Identification ~~e~~Card.