

Colorado Department of Revenue
Division of Motor Vehicles
Adoption of Emergency Rule:
Revised Rule 1, 1 CCR 204-30 – Rules for Application for a Colorado Road and Community Safety
Act Identification Documents 42-2-501

Statement of Emergency Justification and Adoption

Pursuant to section 24-4-103(6)(a), C.R.S., the Colorado Department of Revenue, Division of Motor Vehicles (“Department”) hereby amends Rule 1, 1 CCR 204-30.

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

The DMV hereby finds the following:

- The DMV has established fees to be collected by the Department of Revenue, Division of Motor Vehicles for the application and issuance of driver’s licenses, minor driver’s licenses, instruction permits and identification cards for individuals who cannot demonstrate lawful presence in the United States and for individuals who can demonstrate temporary lawful presence in the United States. The statutory bases for this regulation are found in sections: 24-4-103, 24-72.1-103, 42-1-204, 42-2-508, and 42-2-114.5.
- The immediate adoption of this revised rule is imperatively necessary to comply with the statutory mandates of Part 1, Article 2 of title 42, of the Colorado Revised Statutes, and that compliance with the requirements of section 24-4-103, C.R.S. would be contrary to the public interest.
- Due to the unprecedented and extraordinary impact of the COVID-19 emergency, Governor Jared Polis issued D 2020-017, , Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State. The Stay at Home period has adversely impacted the economy of Colorado and the State is anticipating a significant drop in revenue the next two fiscal years.
- The COVID-19 pandemic has resulted in a drastic decrease in the number of driver licenses issued and revenue generated. The resulting decreases in revenue created by the limitations on movement and the closures have led to a drastic decline in revenue from original projections. The License Services Cash Fund is now no longer solvent.
- Should the fund become further depleted, the Department will have to make drastic cuts to the services provided to Colorado citizens, in order to decrease its operating costs. That could result in reduction in staff and possible closure of offices, in order to pay for increased expenses for barriers, cleaning supplies and other items, as a result of COVID-19.
- Further, the driver licenses and identification cards are often necessary in order access public benefits and medical services. Loss of the ability to access these services would be detrimental to the public interest.

- In an effort to ensure the solvency of the License Services Cash Fund during the pendency of the COVID-19 pandemic, and in accordance with Executive Order D 2020 044 and the requirements of PHO 20-28, the Department finds it imperatively necessary to amend Rule 1 under 1 C.C.R. 204-30.
- The amendment of Rule 1, 1 CCR 204-30 will allow the Department to adjust to the decrease in revenue realized because of the COVID-19 pandemic and maintain the solvency of the License Services Cash Fund.
- Pursuant to section 24-4-103(6)(a), C.R.S., the Department finds that the immediate amendment and adoption of Emergency Rule 1, 1 CCR 204-30 is imperatively necessary for the preservation of public health, safety, or welfare.

Statutory Authority

Statutory authority for this emergency rule is found in Colorado Revised Statutes, sections 24-4-103, 24-72.1-103, 42-1-204, 42-2-508, and 42-2-114.5. C.R.S.

Basis and Purpose

The basis and purpose of Emergency of Emergency Rule 1, 1 CCR 204-30 is to adjust to the decrease in revenue and allow the DMV to preserve and maintain the License Services Cash Fund.

Adoption

For these reasons, the Department hereby adopts the attached amendments to of Emergency Rule 1, 1 CCR 204-30. The amendments shall be effective on the date indicated below. This emergency rule shall be in force and effect for a period of one hundred and twenty days from the date of this notice, unless sooner terminated or replaced by permanent rules adopted in accordance with section 24-4-103, C.R.S.

Adopted this 26th day of June, 2020, to be effective July 1, 2020.

Heidi Humphreys
Deputy Executive Director
Colorado Department of Revenue

Date