

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0546.01 Jery Payne x2157

SENATE BILL 20-035

SENATE SPONSORSHIP

Scott and Ginal,

HOUSE SPONSORSHIP

Gray and Carver,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE KIOSK PROGRAM THAT AUTHORIZES PRIVATE**
102 **PROVIDERS TO OFFER SERVICES ON BEHALF OF THE**
103 **DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a county clerk may conduct a pilot kiosk program using private providers to issue driver's licenses, register motor vehicles, or issue certificates of title. The bill eliminates the program's

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
May 28, 2020

pilot status, converting it to a regular program, and makes the following substantive changes:

- ! Expands the services the program may provide;
- ! Deletes the cap of \$3.00 on the convenience fee; and
- ! Adds data security and accessibility requirements for the provider.

Counties are authorized and encouraged to provide services across county jurisdictions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-231, **amend** (1),
3 (2)(b), (3)(a), (4), and (5); and **add** (6) as follows:

4 **42-1-231. Kiosk program - repeal.** (1) An authorized agent may
5 conduct a kiosk ~~pilot~~ program using a private provider to provide services
6 concerning ~~motor vehicle registration, issuing certificates of title, or~~
7 ~~issuing driver's licenses, using the offices of an authorized agent~~ ANY
8 FUNCTION THE AUTHORIZED AGENT PERFORMS UNDER ARTICLE 2, 3, OR 6
9 OF THIS TITLE 42, NOT INCLUDING PART 5 OF ARTICLE 2 OF THIS TITLE 42.

10 AN AUTHORIZED AGENT MAY AND IS ENCOURAGED TO:

11 (a) ALLOW A RESIDENT IN THE COUNTY'S JURISDICTION TO USE A
12 KIOSK IN ANOTHER COUNTY FOR ANY PURPOSE AUTHORIZED UNDER THIS
13 SECTION; OR

14 (b) ALLOW A RESIDENT OF ANOTHER COUNTY TO USE A KIOSK IN
15 THE COUNTY'S JURISDICTION FOR ANY PURPOSE AUTHORIZED UNDER THIS
16 SECTION.

17 (2) (b) The authorized agent may assess a convenience fee ~~not to~~
18 ~~exceed three dollars~~; for the services provided in the kiosk ~~pilot~~ program.
19 The authorized agent may authorize the private provider to retain a
20 portion or all of the convenience fee.

21 (3) (a) The department may accept financial assistance from an

1 authorized agent or a private party to implement this program, so long as
2 the financial assistance is directly related to the kiosk pilot program and
3 does not stipulate a condition that conflicts with state law.

4 (4) To implement this pilot program, the authorized agent and the
5 department of revenue shall coordinate with each other to ensure that the
6 pilot program will operate successfully and in accordance with state law.

7 (5) Any private provider participating in the kiosk pilot program
8 is not excluded from any competitive bid process associated with motor
9 vehicle registration, issuing certificates of title, or issuing driver's
10 licenses.

11 (6) TO BE QUALIFIED TO BE A PRIVATE PROVIDER, A PERSON MUST
12 MEET ALL OF THE FOLLOWING DATA SECURITY AND ACCESSIBILITY
13 REQUIREMENTS:

14 (a) THE PERSON HOLDS A CERTIFICATION AS A LEVEL 1 MERCHANT
15 OR SERVICE PROVIDER, OR ANY SUCCESSOR CERTIFICATION, ISSUED BY THE
16 PAYMENT CARD INDUSTRY SECURITY STANDARDS COUNCIL OR ITS
17 SUCCESSOR COUNCIL;

18 (b) THE PERSON HOLDS A CERTIFICATION FOR THE SERVICE
19 ORGANIZATION CONTROL 2, TYPE 2, STANDARD OR ANY SUCCESSOR
20 CERTIFICATION ISSUED BY THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC
21 ACCOUNTANTS OR ITS SUCCESSOR ORGANIZATION; AND

22 (c) THE SERVICES ARE OFFERED IN COMPLIANCE WITH 29 U.S.C.
23 SEC. 794d.

24 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
25 \$112,500 is appropriated to the department of revenue for use by the
26 division of motor vehicles. This appropriation is from the Colorado
27 DRIVES vehicle services account in the highway users tax fund created

1 in section 42-1-211 (2)(b)(I), C.R.S. To implement this act, the division
2 may use this appropriation for DRIVES maintenance and support.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.