

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0736.01 Richard Sweetman x4333

HOUSE BILL 21-1139

HOUSE SPONSORSHIP

McCluskie,

SENATE SPONSORSHIP

Rankin,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ACQUISITION OF FORMS OF IDENTIFICATION FROM**
102 **THE DEPARTMENT OF REVENUE, AND, IN CONNECTION**
103 **THEREWITH, FACILITATING THE RENEWAL OF DRIVERS'**
104 **LICENSES BY MAIL AND BY ELECTRONIC MEANS, FACILITATING**
105 **THE RENEWAL OF IDENTIFICATION CARDS BY ELECTRONIC**
106 **MEANS, FACILITATING THE RENEWAL OF DRIVERS' LICENSES**
107 **AND IDENTIFICATION CARDS BY OLDER INDIVIDUALS, AND**
108 **ALLOWING CERTAIN INDIVIDUALS TO SIGN A DRIVING LOG**
109 **ATTESTING THAT A MINOR DRIVER WITH AN INSTRUCTION**
110 **PERMIT HAS COMPLETED A MINIMUM NUMBER OF DRIVING**
111 **HOURS.**

Bill Summary

*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.*

(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>.)

Current law allows renewal of a driver's license by mail only every other renewal period. The bill eliminates this restriction and allows renewal by mail only if the photo of the person that is on file with the department of revenue (department) is at least as recent as required by federal law.

Under current law, to renew a driver's license by mail, a person who is under 66 years of age must attest under penalty of law that the person has had an eye examination within the preceding 3 years. A person who is 66 years of age or older must obtain a signed statement from an optometrist or ophthalmologist attesting that the person has had an eye examination within the last 6 months and attesting to the results of the examination. For both of these requirements, the bill changes the threshold from 66 to 80 years of age.

Current law allows electronic renewal of a driver's license only for drivers who are 21 to 65 years of age. The bill eliminates the upper age limit and allows drivers who are 66 years of age or older to renew their drivers' licenses electronically.

Current law allows a person to renew a driver's license electronically only for 2 consecutive driver's license renewal periods. The bill eliminates this restriction and allows a person to renew a driver's license electronically only if the photo of the person that is on file with the department is at least as recent as required by federal law.

Current law requires a person renewing a driver's license electronically to attest under penalty of law that the person has had an eye examination within 3 years before the renewal. The bill applies this requirement only to a person who is 80 years of age or older and adds a requirement that the person must obtain a signed statement from an optometrist or ophthalmologist attesting that the person has had an eye examination within the preceding 6 months and attesting to the results of the examination.

Current law allows an applicant to renew an identification card by electronic means if the applicant is 21 to 64 years of age. The bill allows applicants who are 65 years of age or older to renew an identification card electronically.

Under current law, the department may not issue a driver's license to a person under 18 years of age unless the person has submitted a log or other written evidence certifying that the person has completed a minimum amount of actual driving experience, and the form must be signed by the person who signed an affidavit of liability for the person.

The bill allows this form to be signed by the person's parent or guardian or by a responsible adult.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-118, **amend**
3 (1.3)(a)(II), (1.3)(a)(III), (1.5)(a) introductory portion, (1.5)(a)(I),
4 (1.5)(a)(II), and (1.5)(a)(III) as follows:

5 **42-2-118. Renewal of license in person, by mail, or**
6 **electronically - donations to Emily Keyes - John W. Buckner organ**
7 **and tissue donation awareness fund - repeal.** (1.3) (a) The department
8 may, in its discretion, allow renewal of a driver's license issued under
9 section 42-2-114 or 42-2-505 by mail subject to the following
10 requirements:

11 (II) Renewal by mail ~~shall only be~~ IS available ~~every other driver's~~
12 ~~license renewal period as provided in section 42-2-114 (2)(a) and (3) or~~
13 ~~42-2-509 (1)~~ ONLY IF THE PHOTO OF THE PERSON THAT IS ON FILE WITH
14 THE DEPARTMENT IS AT LEAST AS RECENT AS REQUIRED BY 6 CFR 37.25
15 (a)(1) FOR PURPOSES OF THE FEDERAL "REAL ID ACT OF 2005", PUB.L.
16 109-13, AS AMENDED;

17 (III) A person who is ~~less than sixty-six~~ UNDER EIGHTY years of
18 age renewing by mail shall attest under penalty of law that ~~he or she~~ THE
19 PERSON has had an eye examination by an optometrist or ophthalmologist
20 within ~~three years~~ ONE YEAR before the renewal. A person who is
21 ~~sixty-six~~ EIGHTY years of age or older renewing by mail shall obtain, on
22 a form as required by the department, a signed statement from an
23 optometrist or ophthalmologist attesting that ~~he or she~~ THE PERSON has
24 had an eye examination within the ~~last~~ PRECEDING six months and
25 attesting to the results of the ~~applicant's~~ eye examination. ~~and~~

1 (1.5) (a) The department may ~~in its discretion~~, allow renewal of
2 a driver's license issued under section 42-2-114 or 42-2-505 by electronic
3 means subject to the following requirements:

4 (I) Electronic renewal ~~shall be~~ IS available only to drivers
5 twenty-one years of age or older; ~~and less than sixty-six years of age~~;

6 (II) A person may renew a driver's license electronically only ~~for~~
7 ~~two consecutive driver's license renewal periods as provided in section~~
8 ~~42-2-114 (2)(a) and (3) or 42-2-509 (1)~~ IF THE PHOTO OF THE PERSON
9 THAT IS ON FILE WITH THE DEPARTMENT IS AT LEAST AS RECENT AS
10 REQUIRED BY 6 CFR 37.25 (a)(1) FOR PURPOSES OF THE FEDERAL "REAL
11 ID ACT OF 2005", PUB.L. 109-13, AS AMENDED;

12 (III) A person WHO IS UNDER EIGHTY YEARS OF AGE renewing
13 electronically shall attest under penalty of law that ~~he or she~~ THE PERSON
14 has had an eye examination by an optometrist or ophthalmologist within
15 ~~three years~~ ONE YEAR before the renewal. A PERSON WHO IS EIGHTY
16 YEARS OF AGE OR OLDER RENEWING ELECTRONICALLY SHALL OBTAIN, ON
17 A FORM AS REQUIRED BY THE DEPARTMENT, A SIGNED STATEMENT FROM
18 AN OPTOMETRIST OR OPHTHALMOLOGIST ATTESTING THAT THE PERSON
19 HAS HAD AN EYE EXAMINATION WITHIN THE PRECEDING SIX MONTHS AND
20 ATTESTING TO THE RESULTS OF THE EYE EXAMINATION. ~~and~~

21 **SECTION 2.** In Colorado Revised Statutes, 42-2-304, **amend**
22 (1.9)(a)(I); and **repeal** (1.8) as follows:

23 **42-2-304. Validity of identification card - rules.** (1.8) (a) ~~The~~
24 ~~department shall allow an applicant to renew an identification card issued~~
25 ~~under section 42-2-302 or 42-2-505 by electronic means if the applicant:~~

26 (I) ~~Is sixty-five years of age or older;~~

27 (II) ~~Attests under penalty of perjury to being lawfully present in~~

1 ~~the United States;~~

2 ~~(III) Attests under penalty of perjury to being a resident of~~
3 ~~Colorado; and~~

4 ~~(IV) Pays any required fee or surcharge.~~

5 ~~(b) Applicants who meet the qualifications of paragraph (a) of this~~
6 ~~subsection (1.8) may electronically renew every renewal period.~~

7 (1.9) (a) The department may allow an applicant to renew an
8 identification card issued under section 42-2-302 or 42-2-505 by
9 electronic means if the applicant:

10 (I) Is twenty-one years of age or older; ~~but not older than~~
11 ~~sixty-four years of age;~~

12 **SECTION 3.** In Colorado Revised Statutes, 42-2-104, **amend**
13 (4)(a) introductory portion, (4)(a)(II) introductory portion, and
14 (4)(a)(II)(A) as follows:

15 **42-2-104. Licenses issued - denied.** (4) (a) The department shall
16 not issue a driver's license, including ~~without limitation~~, a temporary
17 driver's license under section 42-2-106 (2), to a person under eighteen
18 years of age unless the person has:

19 (II) Submitted a log or other written evidence on a standardized
20 form approved by the department certifying that the person has completed
21 not less than fifty hours of actual driving experience, of which not less
22 than ten hours ~~shall~~ MUST have been completed while driving at night,
23 which form is signed by:

24 (A) ~~The person who signed the affidavit of liability~~ THE PERSON'S
25 PARENT OR GUARDIAN OR BY A RESPONSIBLE ADULT;

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.