

DEPARTMENT OF REVENUE

**1 CCR 204-30, Rule 02 INTERSTATE DRIVER LICENSE COMPACT**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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Rule 02: Interstate Driver License Compact Rule

Basis: These rules are promulgated pursuant to sections 24-4-104, 24-60-1101 et seq., 42-1-204, C.R.S.

Purpose: The purpose of this rule is to clarify the administrative procedures related to the Driver License Compact when a driver is applying for a license in Colorado.

1. DEFINITIONS:

“DMV” means the Department of Revenue, Division of Motor Vehicles for the state of Colorado.

~~“Revocation” means the administrative action of cancelling an individual’s driving privilege for a statutorily prescribed period of time following a conviction as set forth in section 24-60-1101, Article IV. In order to regain their driving privilege, an individual must reapply for a driver license and take all requisite tests.~~

~~“Suspension” means the administrative action of removing an individual’s driving privilege, following a conviction as set forth in section 24-60-1101, Article IV, for a prescribed period of time or until a specific action is taken. In order to regain their driving privilege, the individual must wait for the defined period of time or complete the actions specified.~~

“Restraint” means any denial, cancellation, revocation, or suspension of a person’s license or privilege to drive a motor vehicle.

~~2. LICENSING OF DRIVERS CURRENTLY SUSPENDED OR REVOKED IN A PARTY STATE~~

~~2.1. Whenever the DMV receives a driver license application from a person under revocation or suspension in a party state and, if under suspension the period of suspension has not terminated or if under revocation, it has not been one year from the date of revocation, then the DMV shall issue a written notice of denial to such applicant. The notice shall identify the state(s) where the applicant’s privilege is under suspension or revocation. The notice shall contain information concerning the applicant’s right to a hearing in accordance with 24-4-104 C.R.S. and that the applicant may contact the party state for more information including obtaining a letter of clearance from the party state issuing the revocation or suspension if applicable.~~

~~2.2. Any applicant who is denied a Colorado driver license based on the existing revocation or suspension of their license in another party state may request a hearing to determine eligibility for licensing under these rules.~~

~~2.3. Upon notification from the Hearings Division that the Hearings Division has received a hearing request from an applicant whose application was denied based on the revocation or suspension of the applicant’s license in a party state, the DMV shall thereupon acquire the applicant’s driving record from the party state and analyze that record, applying Colorado law. Analysis of the party state record shall constitute the investigation required in Article V of the Driver License Compact as set forth in 24-60-1101 et seq. C.R.S.~~

~~2.4. At hearing, the applicant must show that:~~

~~a. At least one year has passed since the party state license was revoked, or that the period of suspension on the party state license has terminated;~~

~~b. He or she has not driven since the imposition of the revocation or suspension; and~~

~~c. He or she is now a Colorado resident.~~

~~i. Residence may be established by such evidence as proof of employment, voter registration, utility bills or other documents which reflect that the applicant resides in Colorado.~~

~~d. Applicant is safe to drive a motor vehicle on the public highways in Colorado and would not endanger the safety of persons or property by driving on the public highways.~~

~~2.5. Any evidence of a traffic conviction for an offense occurring during the period of suspension or revocation shall rebut paragraph 2.4 b. above, and an applicant shall be required to wait one year from the violation date before applying for a Colorado license under these rules; or until one year after the date of Colorado reinstatement eligibility, whichever is longer.~~

~~2.6. DMV shall have the burden at the hearing to show that the applicant is not eligible for licensing based on its analysis of the applicant's party state driving record.~~

~~a. DMV shall present its analysis and calculate the reinstatement eligibility date as determined under Colorado law.~~

~~b. In calculating reinstatement eligibility, the DMV shall credit the length of time spent under the party state's suspension or revocation to the period of suspension or revocation required under Colorado law.~~

~~c. If the calculated reinstatement eligibility date has passed, the applicant shall be eligible to apply for a Colorado driver's license upon the completion of any required reinstatement conditions.~~

~~d. If the calculated reinstatement eligibility date is established to be a date in the future, that future date shall be the date upon which the applicant becomes eligible to apply for the Colorado license.~~

~~2.7. If an applicant is not eligible under Colorado law for reinstatement, based on a revocation or suspension in a party state, then the applicant is also not eligible for any limited driving privilege, such as a probationary or temporary license.~~

~~2.8. In no event shall a Colorado driver's license be issued to any applicant if the period from the imposition of a revocation by a party state is less than one year, or if the period of suspension imposed by a party state has not terminated.~~

## 2. LICENSING OF DRIVERS CURRENTLY SUSPENDED OR REVOKED IN A PARTY STATE

2.1. Whenever the DMV receives a driver license application from a person under restraint in another state and a "Not Eligible" result is received from the National Driver Registry, the DMV shall issue a notice of out of state restraint that the application for a Colorado license or instruction permit cannot be processed until the "Not Eligible" result is cleared. The notice shall identify the state(s) where the applicant's privilege is under restraint and that the applicant may contact the party state for more

information, or to request a letter of clearance from the state with the restraint. The applicant may make a written request to review the "Not Eligible" result if the applicant is unable to obtain a letter of clearance from the restraint state. The DMV will review the circumstance of the "Not Eligible" result for determination if the applicant would qualify for a Colorado license if additional requirements are met.

- 2.2. Upon receipt of a written request for review, the DMV will request the applicant's party-state driving record for analysis. DMV shall calculate the reinstatement eligibility date as if the offense had occurred in Colorado.
  - a. In calculating reinstatement eligibility, the DMV shall credit the length of time spent under the party state's restraint to the period of suspension or revocation pursuant to Colorado law.
  - b. If the calculated reinstatement eligibility date has passed, the applicant shall be eligible to apply for a Colorado driver's license upon the completion of all required reinstatement conditions.
  - c. If the calculated reinstatement eligibility date is a date in the future, the applicant will not be eligible to apply for the Colorado license until that future date and will be issued a notice of denial.
- 2.3. If an applicant is not eligible under Colorado law for reinstatement, based on a restraint in a party state, then the applicant is also not eligible for any limited driving privilege, such as a probationary or temporary license and shall be issued a notice of denial.
- 2.4. In no event shall a Colorado driver's license be issued to any applicant if the period from the imposition of a revocation by a party state is less than one year, nor may a driver license be issued if the period of suspension imposed by a party state has not terminated.
- 2.5. If the restraint is from a state that does not participate in the Driver's License Compact, a Colorado driver's license may only be obtained once the non-party state shows an "eligible" status on the Problem Driver Pointer System.
- 2.6. Any applicant who disagrees with the DMV's analysis and license requirements based upon the existing revocation or suspension of their license in another party state may request a hearing within 60 days from the date of denial.

### 3. REINSTATEMENT IN THE OTHER PARTY STATE

~~3.1. If at the time of application the applicant presents a reinstatement order or letter of clearance from the party state, the application for a Colorado driver license shall be processed.~~

### 3. DEPARTMENT HEARING FOR DENIAL OF LICENSE UNDER RESTRAINT

- 3.1 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.
- 3.2 Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act, and the provisions of Title 42 and 24 of the Colorado Revised Statutes.

- 3.3 The only issue at a hearing shall be whether the Applicant has satisfied federal and state requirements for the issuance of a Driver License.
- 3.4 The hearing officer shall issue a written decision. If the hearing officer finds that the applicant has not satisfied federal and state requirements for the issuance of a Driver License, then the denial shall be sustained. If the hearing officer finds that the applicant has satisfied requirements for the issuance of a Driver License, then the denial shall be remanded back to the DMV for for re-evaluation for issuance of a Driver License
- 3.5 The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

#### 4. CLEARANCE IN THE OTHER PARTY STATE

- 4.1. If at the time of application the applicant presents a reinstatement order, letter of clearance, or a no match letter from the party state for the restraint in question, the application for a Colorado driver license shall be processed.

#### 5. EFFECT OF CONVICTIONS IN OTHER STATES

- 5.1 Whenever the DMV receives a conviction from another state for a Colorado licensed driver, the conviction will be posted to the driver's record.
- 5.2 Convictions occurring in another state will be treated as though the conviction had occurred in Colorado except that, there will not be points assessed against the driver's record.
- 5.3 A suspension or revocation of the driving privilege will result from convictions involving:
- a. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
  - b. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;
  - c. Any felony in the commission of which a motor vehicle is used;
  - d. Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.
- 5.4 Drivers moving into Colorado will whenever possible have their previous driving history applied to the Colorado record.
- 5.5 Subsequent violations occurring after the Colorado record is created will be evaluated against the driver's history for the purpose of determining whether additional action or other designations such as Persistent Drunk Driver or Habitual Traffic Offender statuses should be applied to the driver's record.

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Editor's Notes

## History