

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.]

Rule 02: Interstate Driver License Compact Rule

Basis: This rule is promulgated pursuant to sections 24-4-104, 24-60-1101 et seq., 42-1-204, 42-2-202, 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:

1.1 "DMV" means the Department of Revenue, Division of Motor Vehicles for the state of Colorado.

1.2 "Habitual Traffic Offender (HTO)" has the same meaning as set forth in 42-2-202, Colorado Revised Statutes.

1.3 "National Driver Register (NDR)" is a nationwide file of information provided voluntarily by the States on drivers with licensing sanctions for drunk driving and other serious traffic violations, that provides State licensing officials with a central index; administered by the Department of Transportation's National Highway Traffic Safety Administration.

1.4 "Not Eligible Result" is a result transmitted through the Problem Driver Pointer System (PDPS) to inform the inquiring state that an applicant's driver license has been withdrawn in a party state or has active withdrawals on their driving record in another state.

1.5 "Party State" means a state that has enacted the Driver License Compact into law and is recognized by the American Association of Motor Vehicle Administrators as a participating state.

1.6 "Persistent Drunk Driver (PDD)" has the same meaning as set forth in 42-1-102(68.5), Colorado Revised Statutes.

1.7 "Problem Driver Pointer System (PDPS)" is a computerized subsystem of the National Driver Register that allows jurisdictions and other organizations to search an applicant's driver status and history to determine if an individual's privilege to operate a motor vehicle has been revoked, suspended, canceled, or denied, or if the applicant has been convicted of certain serious traffic related offenses. Based on the information in the PDPS, received from the state of record (SOR), the inquiring state decides if the applicant is eligible to receive a new or renewed driver license.

1.8 "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 restraint in a party state and a "Not Eligible" result is received from the PDPS 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.

- 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 or instruction permit 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 or instruction permit 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 or instruction permit 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 or instruction permit may only be obtained once the non-party state shows an "eligible" status on the PDPS.
- 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. 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, the denial shall be rescinded and the Department shall issue a Colorado driver license.

3.5 The hearing officer's decision shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

4. CLEARANCE FROM A 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 while licensed as a Colorado driver shall have the same effect as though the conviction had occurred in Colorado except that, there will not be points assessed against the driver's record pursuant to C.R.S. 24-60-1105.

5.3 Drivers moving into Colorado will whenever possible have their previous driving history applied to the Colorado record.

5.4 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.

Editor's Notes

History