

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

INTRODUCED

LLS NO. 20-0546.01 Jery Payne x2157

SENATE BILL 20-035

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans, & Military Affairs

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.**

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

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.

- ! 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
22 authorized agent or a private party to implement this program, so long as

1 the financial assistance is directly related to the kiosk ~~pilot~~ program and
2 does not stipulate a condition that conflicts with state law.

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

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

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

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

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

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

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.