

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0546.01 Jery Payne x2157

SENATE BILL 20-035

SENATE SPONSORSHIP

Scott and Ginal, Donovan, Garcia, Gardner, Hansen, Hisey, Lundeen, Moreno, Priola, Story, Tate, Todd

HOUSE SPONSORSHIP

Gray and Carver, Arndt, Becker, Bird, Bockenfeld, Catlin, Cutter, Duran, Esgar, Geitner, Kipp, Liston, McLachlan, Neville, Rich, Snyder, Soper, Titone, Valdez A., Valdez D., Young

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

Finance
Appropriations

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.

HOUSE
3rd Reading Unamended
June 9, 2020

HOUSE
Amended 2nd Reading
June 8, 2020

SENATE
3rd Reading Unamended
June 1, 2020

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.

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

SECTION 1. In Colorado Revised Statutes, 42-1-231, **amend** (1), (2)(b), (3)(a), (4), and (5); and **add** (6) and (7) as follows:

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

~~THE KIOSK PROGRAM MAY INCLUDE MOBILE TELEPHONE AND WEB SOLUTIONS TO PROVIDE SERVICES.~~ AN AUTHORIZED AGENT **SHALL:**

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

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

(2) (b) The authorized agent may assess a convenience **fee**, ~~not to exceed three dollars~~ **AS NEGOTIATED BETWEEN THE AUTHORIZED AGENT AND THE PRIVATE PROVIDER**, for the services provided in the kiosk ~~pilot~~ program. The authorized agent may authorize the private provider to

1 retain a portion or all of the convenience fee.

2 (3) (a) The department may accept financial assistance from an
3 authorized agent or a private party to implement this program, so long as
4 the financial assistance is directly related to the kiosk ~~pilot~~ program and
5 does not stipulate a condition that conflicts with state law.

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

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

13 (6) TO BE QUALIFIED TO BE A PRIVATE PROVIDER, A PERSON MUST:

14 (a) MEET THE SECURITY REQUIREMENTS ESTABLISHED BY RULE BY
15 THE OFFICE OF INFORMATION TECHNOLOGY; AND

16 (b) OPERATE IN ACCORDANCE WITH A SERVICE-LEVEL AGREEMENT
17 WITH THE AUTHORIZED AGENT.

18 (7) (a) THE PRIVATE PROVIDER SHALL NOT RETAIN THE
19 INFORMATION OBTAINED FROM A TRANSACTION AUTHORIZED UNDER THIS
20 SECTION FOR ANY PURPOSE OTHER THAN THE PURPOSES OF THIS SECTION
21 AND AS REQUIRED IN THE SERVICE-LEVEL AGREEMENT WITH THE
22 AUTHORIZED AGENT.

23 (b) THE PRIVATE PROVIDER SHALL NOT TRANSFER TO ANOTHER
24 PERSON OR USE OR COPY INFORMATION OBTAINED FROM A TRANSACTION
25 AUTHORIZED UNDER THIS SECTION FOR ANY PURPOSE OTHER THAN THE
26 PURPOSES OF THIS SECTION AND AS REQUIRED IN THE SERVICE-LEVEL
27 AGREEMENT WITH THE AUTHORIZED AGENT.

1 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
2 \$112,500 is appropriated to the department of revenue for use by the
3 division of motor vehicles. This appropriation is from the Colorado
4 DRIVES vehicle services account in the highway users tax fund created
5 in section 42-1-211 (2)(b)(I), C.R.S. To implement this act, the division
6 may use this appropriation for DRIVES maintenance and support.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.