

Colorado Driver License, Record, Identification and Vehicle Enterprise Solution End User License Agreement

Agencies requesting electronic access ("Agency") to the Department of Revenue's Division of Motor Vehicles ("Department") records within the Colorado Driver License, Record, Identification and Vehicle Enterprise Solution (DRIVES) software system shall complete this End User License Agreement ("EULA") form and submit it to the Department. The Agency will not be provided with electronic access to Department records or systems until this EULA has been submitted and approved by the Department.

Please indicate the type of access requested

- Third-Party Agency (3PA) Portal Access DRIVES Application Programming Interfaces (API)
 Other: _____

Agency Name

Street Address

City County State ZIP Code

Agency Point of Contact Name

Agency Point of Contact's Phone Number Agency Point of Contact's Email

Agency (Please Check All That Apply)

- Government agency (Non-State Agencies must provide authority making the entity a governmental agency)
 Private agency contracted by a government agency (must provide agreement with each governmental agency)
 Private agency (must provide documentation establishing the entity as a legitimate business permitted to receive the data (i.e., business license))

REQUIRED: Per §24-74-105 C.R.S., Is this request being completed for the purpose of investigating for, participating in, cooperating with, or assisting in Federal Immigration Enforcement? Yes No

Requestor Release Permissible Use Disclosure Form

Pursuant to § 24-72-204 et seq., 42-1-206, 42-4-2103(3)(b) C.R.S., and the Driver Privacy Protection Act 18 USC § 2721 et seq., the Agency must disclose the specific permissible use.

Pursuant to § 24-72-204(7)(b) C.R.S. reference and please check all that apply below:

- (I) A government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions
- Government agency, court, or law enforcement agency must provide authority making them a government agency
 - Private person or entity on behalf of a Federal, State, or local government agency must provide agreement with that agency and the agency's authority making them a government agency
- (II) An agency charged with driver/motor vehicle safety or theft including: motor vehicle product alterations, recalls, advisories, motor vehicle performance monitoring, motor vehicle parts/dealers, motor vehicle market research or surveys, removal of non-owner records from original records of motor vehicle manufacturers
- (III) For use in the normal course of business by a legitimate business or its agents, employees, or contractors to use the information to verify the accuracy of information submitted by individuals for the purposes of preventing fraud, pursuing legal remedies against, or recovering a debt or security interest
- (IV) In connection with a civil, criminal, administrative, or arbitral proceeding in any court or before a self-regulatory body, including process service, investigation, execution of judgment, or pursuant to a court order
- (V) A business that conducts research activities, and for use in producing statistical reports, so long as the personal information is not published, re-disclosed, or used to contact the parties in interest
- (VI) An insurer or insurance support agency in connection with claims, investigations, anti-fraud activities, rating, or underwriting
- (VII) Tow operators required to provide notice to owners of towed or impounded vehicles
- (VIII) An employer/agent or insurer of a Commercial Driver License holder
- (IX) In the operation of private toll facilities
- (X) A federally-designated organ procurement organization for the purposes of creating and maintaining the organ and tissue donor registry authorized in section § 12-34-120 C.R.S.

Affidavit of Intended Use

Records Data/Information Disclosure (Mandatory)

Please provide a brief written narrative generally describing why the data is needed and reference all supporting statute(s).

Type Of Records Data/Information Disclosure (Mandatory)

Please detail the specific data fields needed under each data set listed below. Data releases will be limited to only what is permissible under state and federal law. Please reference supporting statute(s) that applies to your request.

Driver License Data/Information (DLR)

Data/Information Requested

Title, Lien, and Registration Data/Information (TLR)

Data/Information Requested

Other Data/Information

Data/Information Requested

Pursuant to § 24-72-204(7)(b) and 42-1-206(1)(b)(II) C.R.S. and under penalty of perjury, the Agency requesting access to DRIVES data, also known as the DMV record, must sign the Affidavit of Intended Use indicating: (1) that the Agency agrees it will not obtain, use, transfer, or resell the DRIVES data for any purpose prohibited by law; (2) that the Agency understands that any person obtaining, using, reselling, or transferring the DRIVES data for purposes prohibited by law may be subject to civil penalties; and (3) that the Agency has filled out the Affidavit of Intended Use stating the Agency will not obtain, use, resell, or transfer the DRIVES data for any purpose prohibited by law.

Signature of Agency Representative Authorized to sign Affidavit of Intended Use

Date

License and Terms: This EULA is a legal agreement by and between the Agency and the Department of Revenue. By signing this EULA, the Agency accepts and agrees to abide by the general terms of use herein, the complete DRIVES Terms and Conditions of Use as amended from time to time, and the State of Colorado's and the Department's Acceptable Use Policy (AUP) as amended. The EULA renewal process will be completed with all agencies every 24 months. Agencies may be required to resubmit a EULA during the annual audit process or anytime a new administrator is assigned by your agency to manage your electronic access.

License Term and Notification: The term of license under this EULA shall commence on the date of approval of this EULA by the Department and will end on the earlier date of either the Agency discontinuing its authority under the permissible use of the DRIVES system or Agency's notification of termination of this EULA to the Department. By signing this EULA, The Agency attests that immediate notification to the Department will be given in the event the Agency no longer needs E-Service Access to the DRIVES system, the Agency point of contact, address or other contact information changes, or in the event of any other changes which would affect the Agency's ability, permissible use, or authorization to access Department records within the DRIVES system.

Termination: This EULA will terminate automatically if the Agency fails to comply with the general terms of use herein, the complete DRIVES Terms and Conditions of Use as amended, or the State and Department AUP as amended. In the event of termination of this EULA, Agency access to the DRIVES system will be immediately suspended.

Audit: By signing this EULA, the Agency understands that at any time, and at their own cost, the Department may require a compliance audit of any and all aspects of the Agency use and access of Department records within the DRIVES system.

Access: If access is approved for Agency use of the DRIVES system, the Department will assign the Agency to a specific Access Group that will limit the Agency's access to Department records within the DRIVES system to only those records necessary for the permissible use the Agency indicated. Any misuse of this access should be reported to the DMV by the Agency Administrator within 24 hours of the incident. The DMV will investigate any misuse of the access granted to the DRIVES system and may at any time terminate that access for an individual or Agency pending the results of the investigation. The DMV will notify the Agency of any termination of access in writing.

Privacy and Confidentiality: By signing this EULA, the Agency attests that it will not obtain, sell, transfer, or use the data and information accessed within the DRIVES system in any manner prohibited by law, the general terms of use herein, the complete DRIVES Terms and Conditions of Use, and the State of Colorado's and the Department's AUP as amended.

Performance Outside of the United States: Contractor shall request written approval from the State, acting through the Office of Information Technology, for Contractor to perform, or subcontractor to perform, Services outside the United States. The State may approve or deny such request within the State's sole discretion, whether or not services outside the United States are prohibited or restricted by the Statement of Work or by any Exhibit attached to this Contract. Following written approval from the State, Contractor shall comply with the notice provisions for performance outside the State of Colorado. Any notice provided to the State by Contractor regarding performance outside the United States shall be deemed ineffective if the State has not granted prior written approval for such performance.

| | |
|---|------|
| Signature of Agency Representative Authorized to enter into this EULA | Date |
|---|------|

Printed Name of Authorized Agency Representative

Name of Agency

DEPARTMENT USE ONLY

| | |
|--------------------------|---------------|
| Reviewed by Printed Name | Date Reviewed |
|--------------------------|---------------|

Use/Disclose box checked Yes No

Agency is _____ (Approved/Denied) access to records data/information for _____ (DLR, TLR, Other) records and may only receive that information for the disclosed permissible use and disclosure of use stated above and at the specific Department assigned access to the identified records group or groups listed below.

Records Group Assigned

Driver License Data/Information (DLR)

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Date of Birth | <input type="checkbox"/> Drivers License Status | <input type="checkbox"/> Address History | <input type="checkbox"/> Name History |
| <input type="checkbox"/> Driving History | <input type="checkbox"/> License History | <input type="checkbox"/> Print History | |

Titles, Lien, and Registration Data/Information (TLR)

- | | |
|--|--|
| <input type="checkbox"/> Vehicle Information | <input type="checkbox"/> Vehicle Owner History |
|--|--|

Other Data/Information

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> Lawful Presence § 24-76.5-103 C.R.S. | <input type="checkbox"/> Motor Voter |
|---|--------------------------------------|

| | |
|--------------------|------|
| Reviewer Signature | Date |
|--------------------|------|

STATE OF COLORADO

**THIRD PARTY ENTITY / ORGANIZATION CERTIFICATION FOR ACCESS
PII THROUGH A DATABASE OR AUTOMATED NETWORK**

I, _____, on behalf of _____ (legal name of entity / organization) (the "Organization"), hereby certify under the penalty of perjury that the Organization has not and will not use or disclose any Personal Identifying Information, as defined by § 24-74-102(1), C.R.S., for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, including the enforcement of civil immigration laws, and the Illegal Immigration and Immigrant Responsibility Act, which is codified at 8 U.S.C. §§ 1325 and 1326, unless required to do so to comply with Federal or State law, or to comply with a court-issued subpoena, warrant or order.

I hereby represent and certify that I have full legal authority to execute this certification on behalf of the Organization.

Signature: _____

Printed Name: _____

Title: _____

Date: _____