

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0503.01 Jery Payne x2157

SENATE BILL 13-251

SENATE SPONSORSHIP

Ulibarri and Morse, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Newell, Schwartz, Steadman, Tochtrop, Todd

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Senate Committees

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A BILL FOR AN ACT

101 **CONCERNING DOCUMENTARY EVIDENCE NEEDED FOR AN INDIVIDUAL**
102 **TO BE ISSUED AN IDENTITY DOCUMENT BY THE DEPARTMENT OF**
103 **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://www.leg.state.co.us/billsummaries>.)

The bill repeals a prohibition against issuing a driver's license or identification card to a person who is not lawfully present in the U.S. and sets documentary standards for proof of identity and residency. To be licensed, the person must prove the payment of taxes and provide, from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the applicant's country of origin, a valid passport, consular identification card, or military identification. A person may provide an individual taxpayer identification number instead of a social security number. A driver's license or identification card will indicate that the holder is not a citizen of the United States.

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

2 **SECTION 1. Short title.** This act may be known and cited as the
3 "Colorado Road and Community Safety Act".

4 **SECTION 2.** In Colorado Revised Statutes, 42-1-206, **amend**
5 (3.5) (a) as follows:

6 **42-1-206. Records open to inspection - furnishing of copies.**
7 (3.5) (a) The department shall not sell, permit the sale of, or otherwise
8 release to anyone other than the person in interest any photograph,
9 electronically stored photograph, digitized image, fingerprint, ~~or~~ social
10 security number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER filed
11 with, maintained by, or prepared by the department of revenue pursuant
12 to section 42-2-121 (2) (c) (I) (F) or (2) (c) (I) (H).

13 **SECTION 3.** In Colorado Revised Statutes, 42-2-104, **repeal** (3)
14 (e) as follows:

15 **42-2-104. Licenses issued - denied.** (3) The department shall not
16 issue any license to:

17 (e) ~~Any person whose presence in the United States is in violation~~
18 ~~of federal immigration laws;~~

19 **SECTION 4.** In Colorado Revised Statutes, 42-2-107, **amend** (1)
20 (b), (1) (d), and (3) (a); and **repeal** (1) (c) and (3) (b) as follows:

21 **42-2-107. Application for license or instruction permit -**
22 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
23 **tissue donation awareness fund - legislative declaration - repeal.**

1 (1) (b) (I) EXCEPT AS AUTHORIZED IN SUBPARAGRAPH (III) OF THIS
2 PARAGRAPH (b), an applicant who submits proof of age or proof of
3 identity issued by an entity other than a state or the United States ~~shall~~
4 MUST also submit such proof as the department may require that the
5 applicant is lawfully present in the United States.

6 (II) EXCEPT AS AUTHORIZED IN SUBPARAGRAPH (III) OF THIS
7 PARAGRAPH (b), an applicant who submits, as proof of age or proof of
8 identity, a driver's license or identification card issued by a state that
9 issues drivers' licenses or identification cards to persons who are not
10 lawfully present in the United States ~~shall~~ MUST also submit such proof
11 as the department may require that the applicant is lawfully present in the
12 United States.

13 (III) IN LIEU OF PRESENTING PROOF OF LAWFUL PRESENCE UNDER
14 SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (b), AN APPLICANT MAY
15 DOCUMENT RESIDENCY. TO DOCUMENT RESIDENCY, AN APPLICANT MUST
16 PRESENT A COLORADO INCOME TAX RETURN FOR THE IMMEDIATELY
17 PRECEDING CALENDAR YEAR, AN INDIVIDUAL TAXPAYER IDENTIFICATION
18 NUMBER ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE,
19 AND ONE OF THE FOLLOWING FROM THE APPLICANT'S COUNTRY OF ORIGIN:

20 (A) A PASSPORT;

21 (B) A CONSULAR IDENTIFICATION CARD; OR

22 (C) MILITARY IDENTIFICATION DOCUMENT.

23 (c) ~~The department may not issue a driver's or minor driver's~~
24 ~~license to any person who is not lawfully present in the United States.~~

25 (d) The department may not issue a driver's or minor driver's
26 license to any person who is not a resident of the state of Colorado. The
27 department shall issue ~~such~~ a license only upon the furnishing of such

1 evidence of residency as the department may require OR AS AUTHORIZED
2 BY SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (1).

3 (3) (a) Except as otherwise provided in paragraph (b) of this
4 subsection (3), an application for a driver's or minor driver's license ~~shall~~
5 MUST include the applicant's social security number ~~which shall remain~~
6 OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER ISSUED BY THE
7 UNITED STATES INTERNAL REVENUE SERVICE. THE DEPARTMENT SHALL
8 KEEP THIS NUMBER confidential and shall not ~~be placed~~ PLACE IT on the
9 applicant's driver's or minor driver's license; except that ~~such~~ THIS
10 confidentiality ~~shall~~ REQUIREMENT DOES not extend to the state child
11 support enforcement agency, the department, or a court of competent
12 jurisdiction when requesting information in the course of activities
13 authorized under article 13 of title 26, C.R.S., or article 14 of title 14,
14 C.R.S. If the applicant does not have a social security number OR
15 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, the applicant ~~shall~~ MUST
16 submit a sworn statement made under penalty of law, together with the
17 application, stating that the applicant does not have a social security
18 number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER.

19 (b) ~~If federal law is changed to prohibit the collection of social~~
20 ~~security numbers on driver's license applications, the department shall~~
21 ~~automatically stop its practice of including applicants' social security~~
22 ~~numbers on applications for driver's and minor driver's licenses as~~
23 ~~specified in paragraph (a) of this subsection (3).~~

24 **SECTION 5.** In Colorado Revised Statutes, 42-2-114, **amend** (1)
25 (b) (I) as follows:

26 **42-2-114. License issued - fees - repeal.** (1) (b) (I) In the event
27 the department issues a driver's license that contains stored information,

1 ~~such~~ THE license may include only the information that is specifically
2 referenced in SUBPARAGRAPH (III) OF paragraph (a) of this subsection (1)
3 and that appears in printed form on the face of the license issued by the
4 department to the licensee. ~~except that such stored information shall not~~
5 ~~include the licensee's social security number.~~

6 **SECTION 6.** In Colorado Revised Statutes, 42-2-114, **add** (11)
7 as follows:

8 **42-2-114. License issued - contents - fees - repeal.** (11) THE
9 DEPARTMENT SHALL PRINT "NONCITIZEN" ON THE BACK OF ANY DRIVER'S
10 LICENSE, MINOR DRIVER'S LICENSE, OR INSTRUCTION PERMIT ISSUED TO A
11 PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES.

12 **SECTION 7.** In Colorado Revised Statutes, 42-2-122, **repeal** (1)
13 (f) as follows:

14 **42-2-122. Department may cancel license - limited license for**
15 **physical or mental limitations.** (1) The department has the authority to
16 cancel, deny, or deny the reissuance of any driver's or minor driver's
17 license upon determining that the licensee was not entitled to the issuance
18 thereof for any of the following reasons:

19 (f) ~~The person is not lawfully present in the United States;~~

20 **SECTION 8.** In Colorado Revised Statutes, 42-2-302, **amend** (1)
21 (a) (III), (1) (a) (V), (2) (a), and (3)(a)(II); and **repeal** (2) (b) and (3) (a)
22 (III) as follows:

23 **42-2-302. Department may issue - limitations.** (1) (a) (III) An
24 application for an identification card ~~shall~~ MUST include the applicant's
25 social security number, INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER,
26 or a sworn statement made under penalty of law that the applicant does
27 not have a social security number.

1 (V) The DEPARTMENT SHALL KEEP THE applicant's social security
2 number ~~shall remain~~ OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER
3 confidential and shall not ~~be placed~~ PLACE IT on the applicant's
4 identification card; ~~Such~~ EXCEPT THAT THIS confidentiality ~~shall~~
5 REQUIREMENT DOES not extend to the state child support enforcement
6 agency, the department, or a court of competent jurisdiction when
7 requesting information in the course of activities authorized under article
8 13 of title 26, C.R.S., or article 14 of title 14, C.R.S.

9 (2) (a) (I) The department shall issue an identification card only
10 upon the furnishing of a birth certificate or other documentary evidence
11 of identity that the department may require.

12 (II) EXCEPT AS AUTHORIZED IN SUBPARAGRAPH (III) OF THIS
13 PARAGRAPH (a), an applicant who submits a birth certificate or other
14 documentary evidence issued by an entity other than a state or the United
15 States, ~~shall also submit such proof as the department may require that the~~
16 ~~applicant is lawfully present in the United States. An applicant~~ OR who
17 submits as proof of identity a driver's license or identification card issued
18 by a state that issues drivers' licenses or identification cards to persons
19 who are not lawfully present in the United States, ~~shall~~ MUST also submit
20 such proof as the department may require that the applicant is lawfully
21 present in the United States.

22 (III) IN LIEU OF PRESENTING PROOF OF LAWFUL PRESENCE UNDER
23 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), AN APPLICANT MAY
24 DOCUMENT RESIDENCY. TO DOCUMENT RESIDENCY, AN APPLICANT MUST
25 PRESENT A COLORADO INCOME TAX RETURN FOR THE PREVIOUS CALENDAR
26 YEAR, AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER ISSUED BY THE
27 UNITED STATES INTERNAL REVENUE SERVICE, AND ONE OF THE

1 FOLLOWING FROM THE APPLICANT'S COUNTRY OF ORIGIN:

2 (A) A PASSPORT;

3 (B) A CONSULAR IDENTIFICATION CARD; OR

4 (C) MILITARY IDENTIFICATION DOCUMENT.

5 (IV) The department may assess a fee under section 42-2-306 (1)

6 (b) if the department is required to undertake additional efforts to verify
7 the identity of the applicant.

8 (b) ~~The department may not issue an identification card to any~~
9 ~~person who is not lawfully present in the United States.~~

10 (c) The department may not issue an identification card to any
11 person who is not a resident of the state of Colorado. The department
12 shall issue an identification card only upon the furnishing of ~~such~~
13 evidence of residency that the department may require OR AS AUTHORIZED
14 IN THIS SUBSECTION (2).

15 (3) (a) The department has the authority to cancel, deny, or deny
16 the reissuance of the identification card of a person upon determining that
17 the person is not entitled to issuance of the identification card for the
18 following reasons:

19 (II) Permission of an unlawful or fraudulent use or conviction of
20 misuse of an identification card; OR

21 (III) ~~The person is not lawfully present in the United States; or~~

22 **SECTION 9.** In Colorado Revised Statutes, 42-2-303, **add** (5) as
23 follows:

24 **42-2-303. Contents of identification card.** (5) THE DEPARTMENT
25 SHALL PRINT "NONCITIZEN" ON THE BACK OF ANY IDENTIFICATION CARD
26 ISSUED TO A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES.

27 **SECTION 10.** In Colorado Revised Statutes, 42-2-304, **amend**

1 (1.5) (b); and **repeal** (1.7) (a) (III) as follows:

2 **42-2-304. Validity of identification card - rules.** (1.5) (b) The
3 department may not renew an identification card for a person if the person
4 would not be eligible for an identification card pursuant to section
5 42-2-302 ~~(2) (b) or~~ (2) (c).

6 (1.7) (a) If allowed under federal law, the department shall allow
7 renewal of an identification card issued under section 42-2-302 by mail
8 subject to the following requirements:

9 (III) ~~A person renewing by mail shall attest under penalty of~~
10 ~~perjury that he or she is lawfully present in the United States.~~

11 **SECTION 11. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 7, 2013, if adjournment sine die is on May 8,
15 2013); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2014 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to applications submitted on or after January
22 1, 2014.