

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 16-0737.01 Jery Payne x2157

HOUSE BILL 16-1274

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A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF IDENTIFICATION DOCUMENTS TO**
102 **INDIVIDUALS WHO CANNOT DEMONSTRATE LAWFUL PRESENCE**
103 **IN THE UNITED STATES, 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://www.leg.state.co.us/billsummaries>.)

Currently, a person who is not lawfully present in the United States may obtain a driver's license or identification card if certain requirements are met. One of the requirements is that the person present a taxpayer

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.*

identification card. The bill allows a social security number to also meet this requirement. The bill also allows such a license to be reissued or renewed in accordance with the process used by other licensees.

An appropriation is made to open additional offices to perform these functions. Currently, a footnote in the long bill states an intention that the number of offices offering these licenses be decreased when the appropriation is spent. The bill repeals this footnote.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-505, **amend** (1)
3 (c) as follows:

4 **42-2-505. Identification documents - individuals not lawfully**
5 **present. (1) Documents issued.** An individual who is not lawfully
6 present may apply for an identification document in accordance with this
7 part 5. The department shall issue an identification document to an
8 applicant who:

9 (c) (I) Documents an individual taxpayer identification number
10 issued by the United States internal revenue service; ~~and~~ OR

11 (II) DOCUMENTS A SOCIAL SECURITY NUMBER ISSUED BY THE
12 UNITED STATES SOCIAL SECURITY ADMINISTRATION, WHICH
13 DOCUMENTATION MAY INCLUDE A SOCIAL SECURITY CARD OR ANY OTHER
14 DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT AS PROVIDED BY
15 RULE IF THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S SOCIAL
16 SECURITY NUMBER, INCLUDING ELECTRONICALLY THROUGH THE SOCIAL
17 SECURITY ONLINE VERIFICATION SYSTEM COMMONLY KNOW AS SSOLV;
18 AND

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-2-509 as
20 follows:

21 **42-2-509. Renewal - duplicate - replacement - rule.**
22 (1) **Renewal.** An identification document issued under this part 5 expires

1 three years after issuance. The holder of the document must apply for
2 renewal IN ACCORDANCE WITH SECTION 42-2-118 OR 42-2-304 to continue
3 to hold a valid identification document. TO RENEW THE IDENTIFICATION
4 DOCUMENT ISSUED TO A PERSON WHO IS NOT LAWFULLY PRESENT, THE
5 HOLDER MUST PRESENT THE IDENTIFICATION DOCUMENT AND PROVIDE
6 EVIDENCE OF CURRENT COLORADO RESIDENCY AS DETERMINED BY THE
7 DEPARTMENT BY RULE.

8 (2) **Duplicate permits and minor licenses - replacement**
9 **licenses.** IF AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5 IS
10 LOST, STOLEN, OR DESTROYED, THE PERSON TO WHOM IT WAS ISSUED MAY
11 OBTAIN A DUPLICATE OR REPLACEMENT IN ACCORDANCE WITH SECTION
12 42-2-117 OR 42-2-305.

13 **SECTION 3.** In Colorado Revised Statutes, 42-2-117, **amend**
14 (1.5) as follows:

15 **42-2-117. Duplicate permits and minor licenses - replacement**
16 **licenses.** (1.5) Upon furnishing satisfactory proof to the department that
17 a driver's license issued under ~~the provisions of~~ this article has been lost,
18 stolen, or destroyed, the person to whom ~~the same~~ IT was issued ~~shall~~
19 MAY apply for renewal of the license pursuant to section 42-2-118. The
20 new driver's license ~~shall expire~~ EXPIRES as provided in section 42-2-114
21 OR 42-2-509 (1).

22 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend** (1)
23 (a) (I), (1) (b) (I), (1.3) (a) introductory portion, (1.3) (a) (II), (1.5) (a)
24 introductory portion, and (1.5) (a) (II) as follows:

25 **42-2-118. Renewal of license in person or by mail - donations**
26 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
27 **fund - repeal.** (1) (a) (I) Every license issued under section 42-2-114

1 ~~shall be~~ OR 42-2-505 IS renewable prior to its expiration, upon application
2 in person, by mail as provided in subsection (1.3) of this section, or by
3 electronic means as provided in subsection (1.5) of this section, payment
4 of the required fee, passing of an eye test, passing of such other
5 examinations as the applicant's physical limitations or driver's record
6 indicates to be desirable, and payment of any penalty assessment, fine,
7 cost, or forfeiture as prescribed by subsection (3) of this section. If a
8 person renews his or her license pursuant to this subparagraph (I) by
9 electronic means, the person ~~shall~~ MUST attest under penalty of perjury
10 that he or she has had an eye examination by any optometrist or an
11 ophthalmologist within three years before the date of application.

12 (b) (I) Any license referred to in section 42-2-114 OR 42-2-505
13 that, at the time of its expiration, is held by a resident of this state who is
14 temporarily outside of this state or is prevented by disability from
15 complying with paragraph (a) of this subsection (1) may be extended for
16 a period of one year if the licensee applies to the department for an
17 extension of the expiration date prior to the date the license expires and
18 pays a fee set by the department in accordance with section 42-2-114.5
19 (2). The department shall transfer the fee to the state treasurer, who shall
20 credit it to the licensing services cash fund, created in section 42-2-114.5
21 (1). This extension becomes null and void ninety days after the licensee
22 renews his or her residency in the state or otherwise becomes able to
23 comply with the provisions of paragraph (a) of this subsection (1). The
24 department shall grant no more than one extension under this paragraph
25 (b) unless a resident of this state is temporarily residing in a foreign
26 country, in which case the department may grant no more than two
27 extensions.

1 (1.3) (a) The department may, in its discretion, allow renewal of
2 a driver's license issued under section 42-2-114 OR 42-2-505 by mail
3 subject to the following requirements:

4 (II) Renewal by mail shall only be available every other driver's
5 license renewal period as provided in section 42-2-114 (2) (a) and (3) OR
6 42-2-509;

7 (1.5) (a) The department may, in its discretion, allow renewal of
8 a driver's license issued under section 42-2-114 OR 42-2-505 by electronic
9 means subject to the following requirements:

10 (II) A person may renew a driver's license electronically only for
11 two consecutive driver's license renewal periods as provided in section
12 42-2-114 (2) (a) and (3) OR 42-2-505;

13 **SECTION 5.** In Colorado Revised Statutes, 42-2-304, **amend**
14 (1.5) (b), (1.7) (a) introductory portion, (1.8) (a) introductory portion, and
15 (1.9) (a) introductory portion as follows:

16 **42-2-304. Validity of identification card - rules.** (1.5) (b) The
17 department ~~may~~ SHALL not renew an identification card for a person if the
18 person would not be eligible for an identification card pursuant to section
19 42-2-302 (2) (b) or (2) (c) OR 42-2-505.

20 (1.7) (a) If allowed under federal law, the department shall allow
21 renewal of an identification card issued under section 42-2-302 OR
22 42-2-505 by mail subject to the following requirements:

23 (1.8) (a) The department shall allow an applicant to renew an
24 identification card issued under section 42-2-302 OR 42-2-505 by
25 electronic means if the applicant:

26 (1.9) (a) The department may allow an applicant to renew an
27 identification card issued under section 42-2-302 OR 42-2-505 by

1 electronic means if the applicant:

2 **SECTION 6. Appropriation.** For the 2016-17 state fiscal year,
3 \$_____ is appropriated to the department of revenue for use by the
4 division of motor vehicles. This appropriation is from the licensing
5 services cash fund created in section 42-2-508, C.R.S., and is based on an
6 assumption that the department will require an additional _____ FTE. The
7 department of revenue may use this appropriation for opening six new
8 offices to issue identification documents, including to persons not
9 lawfully present under part 5 of article 2 of title 42, C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

SECTION 7. Appropriation to the department of revenue for the fiscal year beginning July 1, 2015. In Session Laws of Colorado 2015, section 2 of chapter 364, (SB 15-234), **repeal** footnote 74 of Part XIX (4) (B) as follows:

PART XIX

DEPARTMENT OF REVENUE

(4) DIVISION OF MOTOR VEHICLES

(B) Driver Services

Personal Services ⁷⁺	19,309,721		7,148,247		12,052,355 ^a	109,119 ^b	
	(399.1 FTE)						
Operating Expenses	2,096,686		418,104		1,668,412 ^a	10,170 ^b	
Drivers License Documents	4,365,339				4,365,339 ^c		
Ignition Interlock Program	1,226,667				1,226,667 ^d		
					(6.9 FTE)		
Indirect Cost Assessment	2,450,655				2,450,655 ^e		
	<u>29,449,068</u>						

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a Of this amount, \$23,500,000 contains an (I) notation and is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution. These amounts are continuously appropriated by a permanent statute, and shall not be deemed to be an appropriation subject to the limitations of Section 24-75-201.1, C.R.S.

^b Of this amount, \$36,276,230 contains an (I) notation, \$900,000 is from the Tobacco Tax Cash Fund created in Section 24-22-117 (1) (a), C.R.S., which consists of revenues from additional state cigarette and tobacco taxes imposed pursuant to Section 21 of Article X of the State Constitution and thus is not subject to the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution, and \$545,690 is from the Highway Users Tax Fund created in Section 43-4-201 (1) (a), C.R.S., appropriated pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

^c This amount contains an (I) notation.

FOOTNOTES -- The following statement is referenced to the numbered footnotes throughout Section 2:

~~74 Department of Revenue, Division of Motor Vehicles, Driver Services, Personal Services -- The initial fiscal note estimated a total of 66,000 individuals would request an appointment for a S.B. 13-251 document. Continued operations for this program at more than one office are premised on the need to handle the up front surge of applicants. It is the intent of the General Assembly that once the annual appointments made available for individuals who are not lawfully present in the United States falls below 5,000 per year or the total appointments served reaches 60,000 the Division will reduce the offices that provide the service to one location.~~

1 **SECTION 8. Act subject to petition - effective date.**

2 (1) Sections 1 to 5 of this act take effect March 1, 2017; except that, if
3 a referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within the ninety-day period after final adjournment of the general
6 assembly, then the act, item, section, or part will not take effect unless
7 approved by the people at the general election to be held in November
8 2016 and, in such case, will take effect on March 1, 2017, or the date of
9 the official declaration of the vote thereon by the governor, whichever is
10 later.

11 (2) Sections 6 to 8 of this act take effect at 12:01 a.m. on the day
12 following the expiration of the ninety-day period after final adjournment
13 of the general assembly (August 10, 2016, if adjournment sine die is on
14 May 11, 2016); except that, if a referendum petition is filed pursuant to
15 section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2016 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.