

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0066.01 Jery Payne x2157

SENATE BILL 18-108

SENATE SPONSORSHIP

Crowder and Coram,

HOUSE SPONSORSHIP

Arndt and Singer,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF IDENTIFICATION DOCUMENTS UNDER**
102 **THE "COLORADO ROAD AND COMMUNITY SAFETY ACT" TO**
103 **PERSONS WHO ARE NOT LAWFULLY PRESENT IN THE UNITED**
104 **STATES, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **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>.)

Currently, a person who is not lawfully present in the United States may obtain a driver's license or identification card if certain requirements

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.

SENATE
3rd Reading Unamended
March 23, 2018

SENATE
Amended 2nd Reading
March 22, 2018

are met. One of the requirements is that the person present a taxpayer identification card.

The bill allows a person to present a social security number as an alternative to a taxpayer identification card. The bill allows the license or identification card to be reissued or renewed in accordance with the process used for other licenses and identification cards.

A person whose license is lost or stolen may obtain a replacement without renewing the license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-504, **amend** (2)
3 as follows:

4 **42-2-504. Applicability. (2) Other provisions.** Parts 1 to 4 of
5 this ~~article~~ ARTICLE 2 and article 7 of this ~~title~~ TITLE 42 apply to
6 identification documents issued OR RENEWED under this part 5, but TO
7 THE EXENT THERE IS A CONFLICT, this part 5 supercedes parts 1 to 3 of this
8 ~~article~~ ARTICLE 2 and article 7 of this ~~title~~ TITLE 42 for identification
9 documents issued in compliance with this part 5.

10 **SECTION 2.** In Colorado Revised Statutes, 42-2-505, **amend** (1)
11 introductory portion and (1)(c) as follows:

12 **42-2-505. Identification documents - individuals not lawfully**
13 **present - rules. (1) Documents issued.** An individual who is not
14 lawfully present IN THE UNITED STATES may apply for an identification
15 document in accordance with this part 5. The department shall issue an
16 identification document to an applicant who:

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

19 (II) DOCUMENTS A SOCIAL SECURITY NUMBER ISSUED BY THE
20 UNITED STATES SOCIAL SECURITY ADMINISTRATION, WHICH
21 DOCUMENTATION MAY INCLUDE A SOCIAL SECURITY CARD OR ANY OTHER

1 DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT AS PROVIDED BY
2 RULE IF THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S SOCIAL
3 SECURITY NUMBER. THIS CONFIRMATION MUST INCLUDE ELECTRONIC
4 CONFIRMATION THROUGH THE SOCIAL SECURITY ONLINE VERIFICATION
5 SYSTEM COMMONLY KNOWN AS SSOLV; AND

6 **SECTION 3.** In Colorado Revised Statutes, **amend** 42-2-509 as
7 follows:

8 **42-2-509. Renewal - duplicate - replacement - rule.**

9 (1) **Renewal.** (a) An identification document issued under this part 5
10 expires three years after issuance. The holder of the document must apply
11 for renewal IN ACCORDANCE WITH SECTION 42-2-118 OR 42-2-304, AS
12 APPLICABLE, to continue to hold a valid identification document; EXCEPT
13 THAT THE HOLDER:

14 (I) NEED NOT DEMONSTRATE LAWFUL PRESENCE IF THE
15 IDENTIFICATION DOCUMENT WAS ISSUED UNDER SECTION 42-2-504;

16 (II) IS NOT PERMITTED TO EXTEND THE EXPIRATION DATE UNDER
17 SECTION 42-2-118 (1)(b)(I); AND

18 (III) IS NOT PERMITTED TO OBTAIN AN IDENTIFICATION DOCUMENT
19 USING A SWORN STATEMENT OF THE PERSON'S SOCIAL SECURITY NUMBER.

20 (b) TO RENEW AN IDENTIFICATION DOCUMENT ISSUED UNDER
21 SECTION 42-2-504 TO A PERSON WHO IS NOT LAWFULLY PRESENT, THE
22 HOLDER MUST PRESENT THE IDENTIFICATION DOCUMENT AND PROVIDE
23 EVIDENCE OF CURRENT COLORADO RESIDENCY AS DETERMINED BY THE
24 DEPARTMENT BY RULE.

25 (2) **Duplicate permits, minor licenses, and identification cards**
26 **- replacements.** IF AN INSTRUCTION PERMIT, MINOR DRIVER'S LICENSE, OR
27 IDENTIFICATION CARD ISSUED UNDER THIS PART 5 IS LOST, STOLEN, OR

1 DESTROYED, THE PERSON TO WHOM IT WAS ISSUED MAY OBTAIN A
2 DUPLICATE OR REPLACEMENT IN ACCORDANCE WITH SECTION 42-2-117 OR
3 42-2-305, AS APPLICABLE.

4 **SECTION 4.** In Colorado Revised Statutes, 42-2-117, **amend**
5 (1.5) as follows:

6 **42-2-117. Duplicate permits and minor licenses - replacement**
7 **licenses.** (1.5) Upon furnishing satisfactory proof to the department that
8 a driver's license issued under ~~the provisions of this article~~ ARTICLE 2 has
9 been lost, stolen, or destroyed, the person to whom ~~the same~~ IT was issued
10 ~~shall~~ MAY apply for ~~renewal~~ A DUPLICATE OR REPLACEMENT of the license
11 pursuant to section 42-2-118. The new driver's license ~~shall expire~~
12 EXPIRES as provided in section 42-2-114 IF ISSUED UNDER THIS PART 1 OR
13 AS PROVIDED IN SECTION 42-2-509 (1) IF ISSUED UNDER PART 5 OF THIS
14 ARTICLE 2.

15 **SECTION 5.** In Colorado Revised Statutes, 42-2-118, **amend**
16 (1)(a)(I), (1)(b)(I), (1.3)(a) introductory portion, (1.3)(a)(II), (1.5)(a)
17 introductory portion, and (1.5)(a)(II) as follows:

18 **42-2-118. Renewal of license in person or by mail - donations**
19 **to Emily Keyes - John W. Buckner organ and tissue donation**
20 **awareness fund - repeal.** (1) (a) (I) Every license issued under section
21 42-2-114 ~~shall be~~ OR PART 5 OF THIS ARTICLE 2 IS renewable prior to its
22 expiration, upon application in person, by mail as provided in subsection
23 (1.3) of this section, or by electronic means as provided in subsection
24 (1.5) of this section; payment of the required fee; passing of an eye test;
25 passing of such other examinations as the applicant's physical limitations
26 or driver's record indicates to be desirable; and payment of any penalty
27 assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this

1 section. If a person renews his or her license pursuant to this
2 ~~subparagraph (f)~~ SUBSECTION (1)(a)(I) by electronic means, the person
3 ~~shall~~ MUST attest under penalty of perjury that he or she has had an eye
4 examination by ~~any~~ AN optometrist or ~~an~~ ophthalmologist within three
5 years before the date of application.

6 (b) (I) (A) ~~Any~~ A license ~~referred to in~~ ISSUED UNDER section
7 42-2-114 that, at the time of its expiration, is held by a resident of this
8 state who is temporarily outside of this state or is prevented by disability
9 from complying with ~~paragraph (a) of this subsection (f)~~ SUBSECTION
10 (1)(a) OF THIS SECTION may be extended for a period of one year if the
11 licensee applies to the department for an extension of the expiration date
12 prior to the date the license expires and pays a fee set by the department
13 in accordance with section 42-2-114.5 (2).

14 (B) A LICENSE ISSUED UNDER PART 5 OF THIS ARTICLE 2 THAT, AT
15 THE TIME OF ITS EXPIRATION, IS HELD BY A RESIDENT OF THIS STATE WHO
16 IS PREVENTED BY DISABILITY FROM COMPLYING WITH SUBSECTION (1)(a)
17 OF THIS SECTION MAY BE EXTENDED FOR A PERIOD OF ONE YEAR IF THE
18 LICENSEE APPLIES TO THE DEPARTMENT FOR AN EXTENSION OF THE
19 EXPIRATION DATE PRIOR TO THE DATE THE LICENSE EXPIRES AND PAYS A
20 FEE SET BY THE DEPARTMENT IN ACCORDANCE WITH SECTION 42-2-114.5
21 (2).

22 (C) The department shall transfer the ~~fee~~ FEES PAID IN
23 ACCORDANCE WITH THIS SUBSECTION (1)(b) to the state treasurer, who
24 shall credit ~~it~~ THEM to the licensing services cash fund, created in section
25 42-2-114.5 (1). ~~This extension becomes~~ THE EXTENSIONS AUTHORIZED IN
26 THIS SUBSECTION (1)(b) BECOME null and void ninety days after the
27 licensee renews his or her residency in the state or otherwise becomes

1 able to comply with ~~the provisions of paragraph (a) of this subsection (1)~~
2 SUBSECTION (1)(a) OF THIS SECTION. The department shall grant no more
3 than one extension under this ~~paragraph (b)~~ SUBSECTION (1)(b) unless a
4 resident of this state, OTHER THAN A RESIDENT WHO HAD BEEN ISSUED A
5 LICENSE UNDER PART 5 OF THIS ARTICLE 2, is temporarily residing in a
6 foreign country, in which case the department may grant no more than
7 two ONE-YEAR extensions.

8 (1.3) (a) The department may, in its discretion, allow renewal of
9 a driver's license issued under section 42-2-114 OR 42-2-505 by mail
10 subject to the following requirements:

11 (II) Renewal by mail shall only be available every other driver's
12 license renewal period as provided in section 42-2-114 (2)(a) and (3) OR
13 42-2-509 (1);

14 (1.5) (a) The department may, in its discretion, allow renewal of
15 a driver's license issued under section 42-2-114 OR 42-2-505 by electronic
16 means subject to the following requirements:

17 (II) A person may renew a driver's license electronically only for
18 two consecutive driver's license renewal periods as provided in section
19 42-2-114 (2)(a) and (3) OR 42-2-509 (1);

20 **SECTION 6.** In Colorado Revised Statutes, 42-2-304, **amend**
21 (1.5)(b), (1.7)(a) introductory portion, (1.8)(a) introductory portion, and
22 (1.9)(a) introductory portion as follows:

23 **42-2-304. Validity of identification card - rules.** (1.5) (b) The
24 department ~~may~~ SHALL not renew an identification card for a person if the
25 person would not be eligible for an identification card pursuant to section
26 42-2-302 (2)(b) or (2)(c) OR 42-2-505.

27 (1.7) (a) If allowed under federal law, the department shall allow

1 renewal of an identification card issued under section 42-2-302 OR
2 42-2-505 by mail subject to the following requirements:

3 (1.8) (a) The department shall allow an applicant to renew an
4 identification card issued under section 42-2-302 OR 42-2-505 by
5 electronic means if the applicant:

6 (1.9) (a) The department may allow an applicant to renew an
7 identification card issued under section 42-2-302 OR 42-2-505 by
8 electronic means if the applicant:

9 **SECTION 7.** In Colorado Revised Statutes, **amend** 42-2-305 as
10 follows:

11 **42-2-305. Lost, stolen, or destroyed cards.** If an identification
12 card is lost, destroyed, or mutilated or a new name is acquired, the
13 registrant may obtain a new identification card upon furnishing
14 satisfactory proof of such fact to the department. Any registrant who loses
15 an identification card and who, after obtaining a new identification card,
16 finds the original card shall immediately surrender the original card to the
17 department. The same documentary evidence shall be furnished for a new
18 identification card as for an original identification card. A new
19 identification card issued pursuant to this section shall expire on the
20 birthday of the registrant in the fifth year after the issuance of the new
21 identification card; except that, if the registrant is under the age of
22 twenty-one years at the time the application for the new identification
23 card is made, the new identification card shall expire on the registrant's
24 twenty-first birthday, OR IF ISSUED UNDER PART 5 OF THIS ARTICLE 2, THE
25 IDENTIFICATION CARD EXPIRES AS PROVIDED IN SECTION 42-2-509 (1) OR
26 ON THE TWENTY-FIRST BIRTHDAY OF THE APPLICANT AS SET BY RULE OF
27 THE DEPARTMENT.

1 **SECTION 8. Appropriation.** (1) For the 2018-19 state fiscal
2 year, \$117,492 is appropriated to the department of revenue for use by the
3 division of motor vehicles. This appropriation is from the licensing
4 services cash fund created in section 42-2-114.5 (1), C.R.S. To implement
5 this act, the department may use this appropriation as follows:

6 (a) \$44,446 for personal services related to driver services, which
7 amount is based on an assumption that the department will require an
8 additional 1.2 FTE; and

9 (b) \$73,046 for operating expenses related to driver services.

10 **SECTION 9. Act subject to petition - effective date.** This act
11 takes effect January 1, 2019; except that, if a referendum petition is filed
12 pursuant to section 1 (3) of article V of the state constitution against this
13 act or an item, section, or part of this act within the ninety-day period
14 after final adjournment of the general assembly, then the act, item,
15 section, or part will not take effect unless approved by the people at the
16 general election to be held in November 2018 and, in such case, will take
17 effect on January 1, 2019, or on the date of the official declaration of the
18 vote thereon by the governor, whichever is later.