

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0332.01 Jason Gelender x4330

HOUSE BILL 23-1193

HOUSE SPONSORSHIP

Holtorf,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR A UNITED STATES CITIZEN TO
102 VOLUNTARILY APPLY TO HAVE THE NOTATION "USA"
103 INCLUDED ON THE CITIZEN'S DRIVER'S LICENSE OR STATE
104 IDENTIFICATION CARD.

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>.)

On and after January 1, 2024, the bill allows an applicant who is applying for, renewing, or replacing a driver's license, including an instruction permit or a minor driver's license (driver's license), or a state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

identification card (identification card) to voluntarily submit proof of national citizenship status as specified in the bill. If the proof submitted establishes that the applicant is a United States citizen, the driver's license or identification card issued shall, if voluntarily requested by the applicant, include the notation "USA".

If the notation "USA" is included on an applicant's driver's license or identification card, it must be included on any renewal or replacement driver's license or identification card subsequently issued to the applicant unless the applicant voluntarily requests that it not be included.

The department of revenue may charge a fee to an applicant to defray the reasonable and necessary direct costs to the department and its authorized agents of receiving proof of national citizenship status and adding the "USA" notation to driver's licenses and identification cards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-107, **add** (1.5)
3 as follows:

4 **42-2-107. Application for license or instruction permit -**
5 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
6 **and tissue donation awareness fund - legislative declaration - rules -**
7 **annual report - repeal.** (1.5) (a) ON AND AFTER JANUARY 1, 2024, IN
8 ADDITION TO ALL OTHER INFORMATION REQUIRED BY THIS SECTION OR
9 OTHERWISE REQUIRED BY LAW, A FIRST-TIME APPLICANT FOR AN
10 INSTRUCTION PERMIT OR FOR A DRIVER'S OR MINOR DRIVER'S LICENSE MAY
11 VOLUNTARILY INCLUDE PROOF OF CITIZENSHIP STATUS WITH THE
12 APPLICATION. IF THE PROOF SUBMITTED ESTABLISHES THAT THE
13 APPLICANT IS A UNITED STATES CITIZEN, THEN, IF VOLUNTARILY
14 REQUESTED BY THE APPLICANT, THE INSTRUCTION PERMIT OR DRIVER'S OR
15 MINOR DRIVER'S LICENSE SHALL INCLUDE THE NOTATION "USA". THE
16 DEPARTMENT SHALL ENSURE THAT EACH APPLICANT WHO IS A UNITED
17 STATES CITIZEN IS PRESENTED WITH THE OPTION TO HAVE THE NOTATION
18 "USA" INCLUDED ON THE INSTRUCTION PERMIT OR DRIVER'S OR MINOR

1 DRIVER'S LICENSE ISSUED TO THE APPLICANT. IF THE NOTATION "USA" IS
2 INCLUDED ON AN APPLICANT'S DRIVER'S OR MINOR DRIVER'S LICENSE, IT
3 MUST ALSO BE INCLUDED ON ANY RENEWAL OR REPLACEMENT DRIVER'S OR
4 MINOR'S DRIVER'S LICENSE SUBSEQUENTLY ISSUED TO THE APPLICANT
5 UNLESS THE APPLICANT VOLUNTARILY REQUESTS THAT IT NOT BE
6 INCLUDED.

7 (b) AS USED IN THIS SUBSECTION (1.5), "PROOF OF CITIZENSHIP
8 STATUS" MEANS A PASSPORT, A CERTIFIED COPY OF A BIRTH CERTIFICATE,
9 OR SUCH OTHER PROOF OF CITIZENSHIP ACCEPTABLE TO THE DEPARTMENT
10 THAT ESTABLISHES THAT AN INDIVIDUAL IS A UNITED STATES CITIZEN OR
11 A CITIZEN OF ANOTHER COUNTRY.

12 **SECTION 2.** In Colorado Revised Statutes, 42-2-114.5, **add** (2.5)
13 as follows:

14 **42-2-114.5. Fees for drivers' licenses, identification cards, and**
15 **related services - crediting to DRIVES account - fee setting**
16 **procedures - rules - repeal.** (2.5) THE DEPARTMENT MAY BY RULE
17 ESTABLISH AND CHARGE A FEE TO ANY INDIVIDUAL WHO VOLUNTARILY
18 REQUESTS THAT THE NOTATION "USA" BE ADDED TO THE INDIVIDUAL'S
19 DRIVER'S LICENSE, MINORS DRIVER'S LICENSE, INSTRUCTION PERMIT, OR
20 IDENTIFICATION CARD PURSUANT TO SECTION 42-4-107 (1.5), 42-2-117 (1),
21 42-2-118 (6), OR 42-2-302 (2.3) TO DEFRAY THE REASONABLE AND
22 NECESSARY DIRECT COSTS TO THE DEPARTMENT AND ITS AUTHORIZED
23 AGENTS INCURRED IN RECEIVING PROOF OF CITIZENSHIP STATUS, AS
24 DEFINED IN SECTION 42-2-107 (1.5) AND ADDING THE "USA" NOTATION TO
25 DRIVER'S LICENSES, MINOR DRIVER'S LICENSES, INSTRUCTION PERMITS,
26 AND STATE IDENTIFICATION CARDS. THE NET REVENUE RECEIVED BY THE
27 DEPARTMENT FROM THE FEE SHALL BE CREDITED TO THE COLORADO

1 DRIVES VEHICLE SERVICES ACCOUNT CREATED IN SECTION 42-1-211 (2),
2 BUT THE DEPARTMENT MAY BY RULE ALLOW ITS AUTHORIZED AGENTS TO
3 RETAIN ALL OR A PORTION OF THE FEE.

4 **SECTION 3.** In Colorado Revised Statutes, 42-2-117, **amend** (1)
5 as follows:

6 **42-2-117. Duplicate permits and minor licenses - replacement**
7 **licenses.** (1) (a) If an instruction permit or a minor driver's license issued
8 under this article is lost, stolen, or destroyed, the person to whom it was
9 issued, upon request and the payment of a fee to the department, may
10 obtain a duplicate or substitute upon furnishing satisfactory proof to the
11 department that the permit or minor license was lost, stolen, or destroyed
12 and that the applicant is qualified to have a permit or license. The
13 department shall set the fees for a first duplicate and for any subsequent
14 duplicate in accordance with section 42-2-114.5. The department shall
15 transfer either fee to the state treasurer, who shall credit it to the Colorado
16 DRIVES vehicle services account created in section 42-1-211 (2).

17 (b) ON AND AFTER JANUARY 1, 2024, IF AN APPLICANT FOR A
18 DUPLICATE OR SUBSTITUTE INSTRUCTION PERMIT OR MINOR DRIVER'S
19 LICENSE DID NOT VOLUNTARILY SUBMIT PROOF OF CITIZENSHIP STATUS, AS
20 DEFINED IN SECTION 42-2-107 (1.5)(b), TO THE DEPARTMENT PURSUANT
21 TO SECTION 42-2-107 (1.5) WHEN THE APPLICANT APPLIED FOR THE LOST,
22 STOLEN, OR DESTROYED INSTRUCTION PERMIT OR MINOR DRIVER'S
23 LICENSE, THE DEPARTMENT SHALL PROVIDE THE APPLICANT THE
24 OPPORTUNITY TO VOLUNTARILY SUBMIT PROOF OF CITIZENSHIP STATUS. IF
25 THE APPLICANT SUBMITS SUCH PROOF AND THE PROOF SUBMITTED
26 ESTABLISHES THAT THE APPLICANT IS A UNITED STATES CITIZEN, THEN, IF
27 VOLUNTARILY REQUESTED BY THE APPLICANT, THE DUPLICATE OR

1 SUBSTITUTE INSTRUCTION PERMIT OR MINOR DRIVER'S LICENSE SHALL
2 INCLUDE THE NOTATION "USA". THE DEPARTMENT SHALL ENSURE THAT
3 EACH APPLICANT WHO IS A UNITED STATES CITIZEN IS GIVEN THE OPTION
4 TO HAVE THE NOTATION "USA" INCLUDED ON THE DUPLICATE OR
5 SUBSTITUTE INSTRUCTION PERMIT OR MINOR DRIVER'S LICENSE ISSUED TO
6 THE APPLICANT. IF THE NOTATION "USA" IS INCLUDED ON AN APPLICANT'S
7 DUPLICATE OR SUBSTITUTE INSTRUCTION PERMIT OR MINOR DRIVER'S
8 LICENSE, IT MUST ALSO BE INCLUDED ON ANY DUPLICATE OR SUBSTITUTE
9 INSTRUCTION PERMIT OR DRIVER'S OR MINOR DRIVER'S LICENSE
10 SUBSEQUENTLY ISSUED TO THE APPLICANT UNLESS THE APPLICANT
11 VOLUNTARILY REQUESTS THAT IT NOT BE INCLUDED.

12 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **add** (6) as
13 follows:

14 **42-2-118. Renewal of license in person, by mail, or**
15 **electronically - donations to Emily Keyes - John W. Buckner organ**
16 **and tissue donation awareness fund - rules - report - repeal.** (6) ON
17 AND AFTER JANUARY 1, 2024, THE DEPARTMENT SHALL PROVIDE AN
18 INDIVIDUAL RENEWING A DRIVER'S OR MINOR DRIVER'S LICENSE PURSUANT
19 TO THIS SECTION WHO DID NOT VOLUNTARILY SUBMIT PROOF OF
20 CITIZENSHIP STATUS, AS DEFINED IN SECTION 42-2-107 (1.5)(b), TO THE
21 DEPARTMENT PURSUANT TO SECTION 42-2-107 (1.5) WHEN THE APPLICANT
22 APPLIED FOR THE DRIVER'S OR MINOR DRIVER'S LICENSE, WITH AN
23 OPPORTUNITY TO VOLUNTARILY SUBMIT PROOF OF CITIZENSHIP STATUS. IF
24 THE APPLICANT SUBMITS SUCH PROOF AND THE PROOF SUBMITTED
25 ESTABLISHES THAT THE APPLICANT IS A UNITED STATES CITIZEN, THEN, IF
26 VOLUNTARILY REQUESTED BY THE APPLICANT, THE RENEWED DRIVER'S OR
27 MINOR DRIVER'S LICENSE SHALL INCLUDE THE NOTATION "USA". THE

1 DEPARTMENT SHALL ENSURE THAT EACH APPLICANT WHO IS A UNITED
2 STATES CITIZEN IS PRESENTED WITH THE OPTION TO HAVE THE NOTATION
3 "USA" INCLUDED ON THE RENEWED DRIVER'S OR MINOR DRIVER'S LICENSE
4 ISSUED TO THE APPLICANT. IF THE NOTATION "USA" IS INCLUDED ON AN
5 APPLICANT'S RENEWED DRIVER'S OR MINOR DRIVER'S LICENSE, IT MUST
6 ALSO BE INCLUDED ON ANY RENEWED DRIVER'S OR MINOR DRIVER'S
7 LICENSE SUBSEQUENTLY ISSUED TO THE APPLICANT UNLESS THE
8 APPLICANT VOLUNTARILY REQUESTS THAT IT NOT BE INCLUDED.

9 **SECTION 5.** In Colorado Revised Statutes, 42-2-121, **add** (1.5)
10 as follows:

11 **42-2-121. Records to be kept by department - admission of**
12 **records in court.** (1.5) THE DEPARTMENT SHALL MAINTAIN A RECORD OF
13 ANY PROOF OF CITIZENSHIP STATUS, AS DEFINED IN SECTION 42-2-107
14 (1.5)(b), THAT IS VOLUNTARILY SUBMITTED TO THE DEPARTMENT
15 PURSUANT TO SECTION 42-2-107, 42-2-117, 42-2-118, OR 42-2-302. FOR
16 PURPOSES OF THE CONFIDENTIALITY REQUIREMENTS OF SUBSECTION (4) OF
17 THIS SECTION, THE RECORD IS PART OF THE APPLICATION FOR THE
18 INSTRUCTION PERMIT, DRIVER'S OR MINOR DRIVER'S LICENSE, OR
19 IDENTIFICATION CARD WITH WHICH IT WAS SUBMITTED.

20 **SECTION 6.** In Colorado Revised Statutes, 42-2-302, **add** (2.3)
21 as follows:

22 **42-2-302. Department may or shall issue - limitations - rules.**
23 (2.3) ON AND AFTER JANUARY 1, 2024, IN ADDITION TO ALL OTHER
24 INFORMATION REQUIRED BY THIS SECTION OR OTHERWISE REQUIRED BY
25 LAW, A FIRST-TIME APPLICANT FOR AN IDENTIFICATION CARD MAY
26 VOLUNTARILY INCLUDE WITH THE APPLICATION, PROOF OF CITIZENSHIP
27 STATUS, AS DEFINED IN SECTION 42-2-107 (1.5)(b). IF PROOF OF

1 CITIZENSHIP STATUS SUBMITTED WITH THE APPLICATION FOR AN
2 IDENTIFICATION CARD OR PREVIOUSLY SUBMITTED TO THE DEPARTMENT
3 IN CONNECTION WITH AN APPLICATION FOR AN IDENTIFICATION CARD
4 ESTABLISHES THAT THE APPLICANT IS A UNITED STATES CITIZEN, THEN, IF
5 VOLUNTARILY REQUESTED BY THE APPLICANT, THE IDENTIFICATION CARD
6 SHALL INCLUDE THE NOTATION "USA". THE DEPARTMENT SHALL ENSURE
7 THAT EACH APPLICANT WHO IS A UNITED STATES CITIZEN IS PRESENTED
8 WITH THE OPTION TO HAVE THE NOTATION "USA" INCLUDED ON THE
9 IDENTIFICATION CARD ISSUED TO THE APPLICANT. IF THE NOTATION "USA"
10 IS INCLUDED ON AN APPLICANT'S IDENTIFICATION CARD, IT MUST ALSO BE
11 INCLUDED ON ANY RENEWED IDENTIFICATION CARD SUBSEQUENTLY
12 ISSUED TO THE APPLICANT UNLESS THE APPLICANT VOLUNTARILY
13 REQUESTS THAT IT NOT BE INCLUDED.

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