

CHAPTER 435

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 24-182

BY SENATOR(S) Gonzales and Bridges, Buckner, Coleman, Cutter, Exum, Fields, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Sullivan, Winter F.;
 also REPRESENTATIVE(S) Hernandez and Velasco, Amabile, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, English, Epps, Garcia, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Martinez, McLachlan, Ortiz, Ricks, Rutinel, Sirota, Story, Titone, Weissman, Willford, McCluskie.

AN ACT

CONCERNING THE REQUIREMENTS TO ISSUE AN IDENTIFICATION DOCUMENT UNDER THE "COLORADO ROAD AND COMMUNITY SAFETY ACT" TO AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN THE UNITED STATES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-2-505, **amend** (1)(b) and (1)(e); **repeal** (1)(c); and **add** (4) as follows:

42-2-505. Identification documents - individuals not lawfully present - rules.

(1) **Documents issued.** An individual who is not lawfully present in the United States may apply for an identification document in accordance with this part 5. The department shall issue an identification document to an applicant who:

(b) ~~(H)~~ **(H)** Signs an affidavit that the applicant is currently a resident and presents ~~proof of return filing for the immediately preceding year and~~ evidence of residence in Colorado that conforms to the standards of THE FEDERAL "REAL ID ACT OF 2005", Pub.L. 109-13, Division B, Title II, sec. 201 et seq., or any rules promulgated under ~~Pub.L. 109-13, Division B, Title II, sec. 201 et seq.; or~~ THE ACT;

~~(H) Signs an affidavit that the applicant has continuously been a resident in Colorado for the immediately preceding twenty-four months and presents evidence of residence in Colorado for the immediately preceding twenty-four months that conforms to the standards of Pub.L. 109-13, Division B, Title II, sec. 201 et seq.; or any rules promulgated under Pub.L. 109-13, Division B, Title II, sec. 201 et seq.; and~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~(c) (f) Documents an individual taxpayer identification number issued by the United States internal revenue service; or~~

~~(H) Documents a social security number issued by the United States social security administration, which documentation may include a social security card or any other documentation acceptable to the department as provided by rule if the federal government confirms the individual's social security number. This confirmation must include electronic confirmation through the social security online verification system commonly known as SSOLV.~~

(e) Presents one of the following DOCUMENTS THAT IS UNEXPIRED OR HAS EXPIRED LESS THAN TEN YEARS BEFORE THE DATE OF THE INDIVIDUAL'S APPLICATION FOR AN IDENTIFICATION DOCUMENT:

(I) From the applicant's country of origin:

~~(f)~~ (A) A passport;

~~(H)~~ (B) A consular identification card; or

~~(HH)~~ (C) A military identification document;

(II) ON AND AFTER JANUARY 1, 2027, AN IDENTIFYING DOCUMENT OR A COMBINATION OF IDENTIFYING DOCUMENTS ISSUED BY AN AGENCY OF THE UNITED STATES GOVERNMENT OR ITS CONTRACTORS OR SUBCONTRACTORS IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) **Rules.** THE DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING EXCEPTIONS PROCESSING TO ISSUE AN IDENTIFICATION DOCUMENT IN ACCORDANCE WITH THIS SECTION AND DETERMINING THE TYPES OF DOCUMENTS, THE STANDARDS FOR THE DOCUMENTS, AND THE COMBINATION OF THE DOCUMENTS ISSUED BY AN AGENCY OF THE UNITED STATES GOVERNMENT OR ITS CONTRACTORS OR SUBCONTRACTORS. THE RULES MUST ADDRESS THE FOLLOWING DOCUMENTS:

(a) AN IDENTIFYING DOCUMENT ISSUED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, ITS CONTRACTORS OR SUBCONTRACTORS, OR THE UNITED STATES DEPARTMENT OF JUSTICE, INCLUDING FORM I-862, NOTICE TO APPEAR; FORM I-200, WARRANT FOR ARREST OF ALIEN; FORM I-205, WARRANT OF DEPORTATION; FORM I-220A, ORDER OF RELEASE ON RECOGNIZANCE; AND FORM 220B, ORDER OF SUPERVISION, OR THE SUCCESSOR TO ANY OF THE LISTED FORMS;

(b) AN IDENTIFICATION DOCUMENT ISSUED UNDER THE INTENSIVE SUPERVISION APPEARANCE PROGRAM BY THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY WITHIN THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

(c) A VERIFICATION-OF-RELEASE DOCUMENT ISSUED BY THE OFFICE OF REFUGEE RESETTLEMENT IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;

(d) A VOTER IDENTIFICATION DOCUMENT WITH A PHOTOGRAPH; OR

(e) A DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD.

SECTION 2. Appropriation. (1) For the 2024-25 state fiscal year, \$122,855 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$92,120 for DRIVES maintenance and support;

(b) \$6,720 for personal services related to vehicle services;

(c) \$9,660 for personal services related to administration and support; and

(d) \$14,355 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$14,355 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(d) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect March 31, 2025; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect March 31, 2025, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to applications submitted on or after the applicable effective date of this act.

Approved: June 5, 2024