

CHAPTER 75

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1233

BY REPRESENTATIVES Gotlieb, Epps, and Lamborn;
also SENATOR Thiebaut.

AN ACT

CONCERNING ISSUANCE OF IDENTIFICATION CARDS BY THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, AUTHORIZING THE DEPARTMENT OF REVENUE TO CANCEL, DENY, OR DENY REISSUANCE OF IDENTIFICATION CARDS.

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

SECTION 1. 42-2-302 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-2-302 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-2-302. Department may issue - limitations. (2) The department shall issue an identification card only upon the furnishing of a birth certificate or other documentary evidence of identity ~~which~~ THAT the department may require. THE DEPARTMENT MAY ASSESS A FEE UNDER SECTION 42-2-306 (1) (b) IF THE DEPARTMENT IS REQUIRED TO UNDERTAKE ADDITIONAL EFFORTS TO VERIFY THE IDENTITY OF THE APPLICANT.

(3) (a) THE DEPARTMENT HAS THE AUTHORITY TO CANCEL, DENY, OR DENY THE REISSUANCE OF THE IDENTIFICATION CARD OF A PERSON UPON DETERMINING THAT THE PERSON IS NOT ENTITLED TO ISSUANCE OF THE IDENTIFICATION CARD FOR THE FOLLOWING REASONS:

(I) FAILURE TO GIVE THE REQUIRED OR CORRECT INFORMATION IN AN APPLICATION OR COMMISSION OF ANY FRAUD IN MAKING SUCH APPLICATION; OR

(II) PERMISSION OF AN UNLAWFUL OR FRAUDULENT USE OR CONVICTION OF MISUSE OF AN IDENTIFICATION CARD.

(b) IF THE DEPARTMENT CANCELS, DENIES, OR DENIES THE REISSUANCE OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

IDENTIFICATION CARD OF A PERSON, SUCH PERSON MAY REQUEST A HEARING PURSUANT TO SECTION 24-4-105, C.R.S.

SECTION 2. 42-2-306 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-306. Fees - disposition. (1) The department shall charge and collect THE FOLLOWING FEES:

(a) A fee of three dollars and fifty cents at the time of application for an identification card or renewal of an identification card or three dollars and fifty cents for a duplicate card; except that, for applicants sixty years of age or older, there shall be no fee;

(b) A FEE OF TWENTY DOLLARS TO COVER THE COSTS INCURRED BY THE DEPARTMENT FOR THE REISSUANCE OF AN IDENTIFICATION CARD THAT HAS BEEN CANCELLED OR DENIED PURSUANT TO SECTION 42-2-302 (3), OR TO VERIFY THE IDENTITY OF THE APPLICANT.

SECTION 3. 42-2-135 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-135. Right to appeal. (1) Every person finally denied a license OR IDENTIFICATION CARD, WHOSE IDENTIFICATION CARD HAS BEEN FINALLY CANCELLED, or whose license has been finally cancelled, suspended, or revoked by or under the authority of the department may, within thirty days thereafter, obtain judicial review in accordance with section 24-4-106, C.R.S.; except that the venue for such judicial review shall be in the county of residence of the person seeking judicial review.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1997, and shall apply to applications for identification cards made on or after said date and to actions taken by holders of identification cards on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 6, 1997