

CHAPTER 103

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 98-1008

BY REPRESENTATIVE McPherson;
also SENATORS Mutzebaugh and Schroeder.

AN ACT

CONCERNING REQUIREMENTS FOR THE ISSUANCE OF PHOTOGRAPHIC DOCUMENTS BY THE DIVISION OF
MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE.

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

SECTION 1. 42-2-107 (1), Colorado Revised Statutes, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration.

(1) (a) Every application for an instruction permit or for a driver's, minor driver's, or provisional driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be ten dollars. Every applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

(b) AN APPLICANT WHO SUBMITS PROOF OF AGE OR PROOF OF IDENTITY ISSUED BY AN ENTITY OTHER THAN A STATE OR THE UNITED STATES SHALL ALSO SUBMIT SUCH PROOF AS THE DEPARTMENT MAY REQUIRE THAT THE APPLICANT IS LAWFULLY PRESENT IN THE UNITED STATES.

(c) THE DEPARTMENT MAY NOT ISSUE A DRIVER'S, MINOR DRIVER'S, OR PROVISIONAL DRIVER'S LICENSE TO ANY PERSON WHO IS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(d) THE DEPARTMENT MAY NOT ISSUE A DRIVER'S, MINOR DRIVER'S, OR PROVISIONAL DRIVER'S LICENSE TO ANY PERSON WHO IS NOT A RESIDENT OF THE STATE OF COLORADO. THE DEPARTMENT SHALL ISSUE SUCH A LICENSE ONLY UPON THE FURNISHING OF SUCH EVIDENCE OF RESIDENCY THAT THE DEPARTMENT MAY

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

REQUIRE.

SECTION 2. 42-2-122 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

42-2-122. Department may cancel license - provisional license for physical or mental limitations. (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's, minor driver's, or provisional driver's license upon determining that the licensee was not entitled to the issuance thereof for any of the following reasons:

- (f) THE PERSON IS NOT LAWFULLY PRESENT IN THE UNITED STATES;
- (g) THE PERSON IS NOT A RESIDENT OF THE STATE OF COLORADO.

SECTION 3. 42-2-302 (2), Colorado Revised Statutes, is amended to read:

42-2-302. Department may issue - limitations. (2) (a) The department shall issue an identification card only upon the furnishing of a birth certificate or other documentary evidence of identity that the department may require. AN APPLICANT WHO SUBMITS A BIRTH CERTIFICATE OR OTHER DOCUMENTARY EVIDENCE ISSUED BY AN ENTITY OTHER THAN A STATE OR THE UNITED STATES SHALL ALSO SUBMIT SUCH PROOF AS THE DEPARTMENT MAY REQUIRE THAT THE APPLICANT IS LAWFULLY PRESENT IN THE UNITED STATES. 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.

(b) THE DEPARTMENT MAY NOT ISSUE AN IDENTIFICATION CARD TO ANY PERSON WHO IS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(c) THE DEPARTMENT MAY NOT ISSUE AN IDENTIFICATION CARD TO ANY PERSON WHO IS NOT A RESIDENT OF THE STATE OF COLORADO. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION CARD ONLY UPON THE FURNISHING OF SUCH EVIDENCE OF RESIDENCY THAT THE DEPARTMENT MAY REQUIRE.

SECTION 4. 42-2-302 (3) (a), Colorado Revised Statutes, is amended to read:

42-2-302. Department may issue - limitations. (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;

(III) THE PERSON IS NOT LAWFULLY PRESENT IN THE UNITED STATES; OR

(IV) THE PERSON IS NOT A RESIDENT OF THE STATE OF COLORADO.

SECTION 5. 42-2-304 (1.5), Colorado Revised Statutes, is amended to read:

42-2-304. Validity of identification card. (1.5) (a) Any individual who has been issued an identification card pursuant to this section may renew the card prior to the expiration of the card upon application in person and payment of the required fee.

(b) THE DEPARTMENT MAY NOT RENEW AN IDENTIFICATION CARD FOR A PERSON IF THE PERSON WOULD NOT BE ELIGIBLE FOR AN IDENTIFICATION CARD PURSUANT TO SECTION 42-2-302 (2) (b) OR (2) (c).

SECTION 6. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to photographic documents issued on or after said date.

SECTION 7. 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 17, 1998