

CHAPTER 65

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 02-112

BY SENATOR(S) Teck, Andrews, Arnold, Cairns, Dyer, Entz, Epps, Hillman, Lamborn, May, McElhany, and Taylor;
also REPRESENTATIVE(S) Harvey, Clapp, Fairbank, Fritz, Hefley, Johnson, Lawrence, Lee, Mitchell, Rhodes, Scott, Smith,
Spence, Stengel, and White.

AN ACT

**CONCERNING THE REQUIREMENT THAT CERTAIN PERSONS PROVIDE PROOF OF LAWFUL PRESENCE
IN THE UNITED STATES IN ORDER TO OBTAIN DOCUMENTS FROM THE DIVISION OF MOTOR
VEHICLES.**

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

SECTION 1. 42-2-107 (1) (b), 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 - repeal. (1) (b) (I) 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.

(II) AN APPLICANT WHO SUBMITS, AS PROOF OF AGE OR PROOF OF IDENTITY, A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY A STATE THAT ISSUES DRIVER'S LICENSES OR IDENTIFICATION CARDS TO PERSONS WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES SHALL ALSO SUBMIT SUCH PROOF AS THE DEPARTMENT MAY REQUIRE THAT THE APPLICANT IS LAWFULLY PRESENT IN THE UNITED STATES.

SECTION 2. 42-2-302 (2) (a), 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

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 that the applicant is lawfully present in the United States. AN APPLICANT WHO SUBMITS AS PROOF OF IDENTITY A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY A STATE THAT ISSUES DRIVER'S LICENSES OR IDENTIFICATION CARDS TO PERSONS WHO ARE NOT LAWFULLY PRESENT IN 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.

SECTION 3. 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 2, 2002