

## CHAPTER 185

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**LABOR AND INDUSTRY**

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## SENATE BILL 11-179

BY SENATOR(S) Carroll, Giron, Guzman, Johnston, King S., Newell, Nicholson, Steadman, Tochtrop;  
also REPRESENTATIVE(S) Miklosi and Kerr J., Court, Fields, Fischer, Labuda, Lee, Looper, Pace, Ryden, Vigil, Wilson.

**AN ACT**

**CONCERNING ALTERNATIVE IDENTIFICATION THAT AN EMPLOYEE ENGAGED IN WORK AT AN  
OFF-SITE PREMISES MAY PROVIDE FOR PURPOSES OF ENSURING WORK SITE SECURITY.**

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

**SECTION 1.** Part 1 of article 2 of title 8, Colorado Revised Statutes, is amended  
BY THE ADDITION OF A NEW SECTION to read:

**8-2-125. Identification of workers engaged in off-site work - permissible forms of identification - exceptions - definitions.** (1) (a) WHEN AN EMPLOYER DISPATCHES AN EMPLOYEE TO AN OFF-SITE PREMISES TO PERFORM WORK ON BEHALF OF THE EMPLOYER FOR A CUSTOMER LOCATED AT THE OFF-SITE PREMISES, THE EMPLOYEE MAY PROVIDE AN EMPLOYER-ISSUED IDENTIFICATION CARD TO THE CUSTODIAN OF THE OFF-SITE PREMISES IN LIEU OF A GOVERNMENT-ISSUED IDENTIFICATION CARD FOR PURPOSES OF VERIFYING THE IDENTITY OF THE EMPLOYEE. EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), THE CUSTODIAN OF THE OFF-SITE PREMISES SHALL NOT REQUIRE THE EMPLOYEE TO SURRENDER HIS OR HER GOVERNMENT-ISSUED IDENTIFICATION CARD TO THE CUSTODIAN OR RETAIN THE EMPLOYEE'S GOVERNMENT-ISSUED IDENTIFICATION CARD WHILE THE EMPLOYEE IS PHYSICALLY PRESENT ON THE OFF-SITE PREMISES ENGAGED IN THE PERFORMANCE OF WORK ON BEHALF OF THE EMPLOYER.

(b) IF THE EMPLOYEE HAS AN EMPLOYER-ISSUED IDENTIFICATION CARD, THE CUSTODIAN MAY REQUIRE THE EMPLOYEE TO SURRENDER HIS OR HER EMPLOYER-ISSUED IDENTIFICATION CARD FOR PURPOSES OF VERIFYING THE EMPLOYEE'S IDENTITY, AND THE CUSTODIAN MAY HOLD THE EMPLOYER-ISSUED IDENTIFICATION CARD AT ALL TIMES WHILE THE EMPLOYEE IS PRESENT ON THE OFF-SITE PREMISES.

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

(c) NOTWITHSTANDING THE PROHIBITION IN PARAGRAPH (a) OF THIS SUBSECTION (1), IF THE EMPLOYEE DOES NOT SURRENDER AN EMPLOYER-ISSUED IDENTIFICATION CARD, THE CUSTODIAN MAY REQUIRE THE EMPLOYEE TO SURRENDER THE EMPLOYEE'S GOVERNMENT-ISSUED IDENTIFICATION CARD TO VERIFY THE EMPLOYEE'S IDENTITY, AND THE CUSTODIAN MAY HOLD THE GOVERNMENT-ISSUED IDENTIFICATION CARD AT ALL TIMES WHILE THE EMPLOYEE IS PRESENT ON THE OFF-SITE PREMISES.

(d) IF THE EMPLOYEE PROVIDES HIS OR HER EMPLOYER-ISSUED IDENTIFICATION CARD TO THE CUSTODIAN PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), THE CUSTODIAN MAY REQUIRE THE EMPLOYEE TO ALLOW THE CUSTODIAN TO EXAMINE A SECONDARY FORM OF IDENTIFICATION CONTAINING THE EMPLOYEE'S PHOTOGRAPH, INCLUDING A GOVERNMENT-ISSUED IDENTIFICATION CARD.

(2) THIS SECTION DOES NOT APPLY TO A PERSON WHO ENTERS INTO A DEFENSE CONTRACT WITH THE FEDERAL GOVERNMENT PURSUANT TO THE NATIONAL INDUSTRIAL SECURITY PROGRAM, OR ITS SUCCESSOR PROGRAM, UNDER WHICH THE PERSON IS CONTRACTUALLY OBLIGATED TO VERIFY IDENTIFICATION USING A GOVERNMENT-ISSUED IDENTIFICATION CARD.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CUSTODIAN" MEANS THE PERSON WHO IS AUTHORIZED TO PROVIDE OR RESTRICT ACCESS TO THE OFF-SITE PREMISES, INCLUDING SECURITY PERSONNEL FOR A COMMERCIAL BUILDING OR MULTI-RESIDENTIAL PROPERTY.

(b) "EMPLOYER-ISSUED IDENTIFICATION CARD" MEANS AN IDENTIFICATION CARD ISSUED BY AN EMPLOYER TO AN EMPLOYEE THAT CONTAINS, AT A MINIMUM, THE NAME OF THE EMPLOYER AND THE EMPLOYEE'S NAME AND PHOTOGRAPH.

(c) "GOVERNMENT-ISSUED IDENTIFICATION CARD" MEANS A STATE-ISSUED DRIVER'S LICENSE OR IDENTIFICATION CARD CONTAINING THE PERSON'S PHOTOGRAPH, AN IDENTIFICATION CARD OR PASSPORT ISSUED BY THE FEDERAL GOVERNMENT CONTAINING THE PERSON'S PHOTOGRAPH, A NATIVE AMERICAN TRIBAL DOCUMENT IDENTIFYING THE PERSON AND CONTAINING THE PERSON'S PHOTOGRAPH, OR ANY OTHER FORM OF IDENTIFICATION ISSUED BY THE FEDERAL OR A STATE GOVERNMENT THAT CONTAINS THE PERSON'S PHOTOGRAPH AND IDENTIFYING INFORMATION.

(d) "OFF-SITE PREMISES" MEANS A BUILDING OR PROPERTY THAT IS NOT OWNED, LEASED, OPERATED, OR OTHERWISE UNDER THE CONTROL OF THE EMPLOYER OF THE EMPLOYEE WHO IS DISPATCHED TO THE PREMISES, INCLUDING:

(I) A COMMERCIAL BUILDING, OTHER THAN A FEDERAL, STATE, OR LOCAL GOVERNMENT BUILDING; OR

(II) A MULTI-RESIDENTIAL PROPERTY.

**SECTION 2. Effective date.** This act shall take effect July 1, 2011.

**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: May 19, 2011