

CHAPTER 306

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 14-087

BY SENATOR(S) Ulibarri, Kefalas, Aguilar, Guzman, Heath, Hodge, Johnston, Kerr, Nicholson, Schwartz, Steadman;
also REPRESENTATIVE(S) Fields, Exum, Pettersen, Labuda, Melton, Ryden, Schafer, Williams.

AN ACT

CONCERNING ISSUANCE OF IDENTIFICATION CARDS TO PEOPLE WHO ARE LAWFULLY PRESENT IN THE UNITED STATES BUT MAY HAVE DIFFICULTY WITH CERTAIN DOCUMENTARY EVIDENCE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** 42-1-229 as follows:

42-1-229. Report. (1) ON OR BEFORE JULY 1, 2015, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE A REPORT CONCERNING THE EFFECTIVENESS OF EXCEPTIONS PROCESSING, INCLUDING:

(a) THE NUMBER OF INDIVIDUALS ISSUED OR DENIED AN IDENTIFICATION CARD OR DRIVER'S LICENSE ON HIS OR HER FIRST VISIT TO AN OFFICE AND THE NUMBER OF INDIVIDUALS ADVISED TO PROVIDE MORE DOCUMENTS;

(b) THE AVERAGE LENGTH OF TIME BETWEEN AN UNSUCCESSFUL FIRST VISIT AND ULTIMATE APPROVAL;

(c) THE NUMBER OF INDIVIDUALS WHO FAIL TO RETURN;

(d) THE BREAKDOWN BY EACH OFFICE OF APPROVAL AND DENIAL RATES;

(e) THE NUMBER OF INDIVIDUALS WHO REQUEST EXCEPTIONS PROCESSING EACH MONTH AND THE OUTCOMES OF THOSE REQUESTS BY EACH OFFICE;

(f) THE NUMBER OF HEARINGS REQUESTED AFTER NOTICE OF DENIAL AND THE OUTCOMES OF THE HEARINGS; AND

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

(g) A SUMMARY OF THE MAIN REASONS FOR DENIAL UNDER EXCEPTIONS PROCESSING.

SECTION 2. In Colorado Revised Statutes, 42-2-302, **add** (8) as follows:

42-2-302. Department may or shall issue - limitations - rules. (8) THE DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING PROCEDURES FOR RESOLVING MINOR SPELLING INCONSISTENCIES AND ACCEPTING ALTERNATIVE DOCUMENTS TO BIRTH CERTIFICATES TO ESTABLISH LAWFUL PRESENCE.

SECTION 3. In Colorado Revised Statutes, 13-15-101, **add** (5) as follows:

13-15-101. Petition - proceedings. (5) (a) IF A PETITIONER IS SEEKING A NAME CHANGE TO HARMONIZE NAME DISCREPANCIES NECESSARY TO BE ISSUED AN IDENTIFICATION CARD, THE PETITIONER:

(I) IF THE PETITIONER ATTEMPTED TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND RESULTS WERE INCONCLUSIVE OR UNREADABLE, MAY SUBMIT, IN LIEU OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED CRIMINAL HISTORY RECORD CHECK WITH ALL PREVIOUSLY USED NAMES USING THE RECORDS OF BOTH THE FEDERAL AND COLORADO BUREAUS OF INVESTIGATION AND AN ATTESTATION UNDER PENALTY OF PERJURY THAT THE PETITIONER HAS NOT BEEN CONVICTED OF A FELONY; AND

(II) NEED NOT PUBLISH THE NAME CHANGE UNDER SECTION 13-15-102.

(b) TO QUALIFY FOR THE SIMPLIFIED NAME CHANGE PROCESS IN THIS SUBSECTION (5), THE PETITIONER MUST:

(I) SIGN AN AFFIDAVIT THAT THE PURPOSE OF THE NAME CHANGE IS TO OBTAIN AN IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE AND THAT THE DESIRED NAME CHANGE WOULD BE PROPER AND NOT DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON; AND

(II) BE AT LEAST SEVENTY YEARS OF AGE.

SECTION 4. In Colorado Revised Statutes, 13-15-102, **add** (3) as follows:

13-15-102. Publication of change. (3) A PETITIONER NEED NOT GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1) OF THIS SECTION IF THE PETITIONER QUALIFIES FOR THE SIMPLIFIED PROCESS UNDER SECTION 13-15-101 (5).

SECTION 5. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$43,260.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of

revenue, for the fiscal year beginning July 1, 2014, the sum of \$43,260, or so much thereof as may be necessary, for the purchase of computer center services related to the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$43,260, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (2) of this section.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); 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 such period, 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: May 31, 2014