

Driver's Licenses

1 **Proposition __ proposes amending the Colorado statutes to:**

- 2 ♦ allow the state to issue a Colorado driver's license, minor driver's license,
3 or instruction permit to noncitizen residents of the state who can not
4 provide proof of lawful presence in the United States (unauthorized
5 immigrants); and
- 6 ♦ require such persons to present proof of Colorado residency, proof of
7 identity, Colorado tax returns, and a federal individual taxpayer
8 identification number (ITIN), in order to obtain a license or permit.

9 **Summary and Analysis**

10 ***Requirements for obtaining a driver's license under current law.*** An applicant
11 for a Colorado driver's license must be of driving age and provide documentation
12 establishing identity and residency in Colorado. Under current law, an applicant must
13 also show evidence of lawful presence in the United States. This evidence includes:

- 14 • a U.S. passport;
- 15 • an out-of-state driver's license, if the issuing state has verified lawful
16 presence in the United States;
- 17 • a U.S. military identification card; or
- 18 • immigration documents, such as Form I-551 (green card).

19 ***Requirements for obtaining a driver's license under Proposition __.*** Under this
20 measure, applicants who can not provide proof of lawful presence in the United States
21 may obtain a Colorado driver's license or instruction permit by:

- 22 • proving Colorado residency;
- 23 • submitting state income tax returns for the previous year;
- 24 • providing a federal ITIN;
- 25 • proving their identity; and
- 26 • meeting all other requirements for a driver's license or instruction permit, such
27 as vision, written, and driving tests.

28 As proof of residency under the measure, Colorado driver's license officials may
29 consider employment in Colorado, owning a home in Colorado, graduating from a
30 Colorado high school, registering a vehicle in the state, and other factors that establish
31 an intent to make Colorado home. As proof of identity under the measure, an applicant
32 must submit a passport, birth certificate, military identification, or voter identification card
33 from the applicant's country of origin.

34 ***Population eligible for obtaining a driver's license under Proposition __.*** Under
35 federal law, individuals born outside the United States must be authorized to enter and

1 reside in any state. Authorized immigration occurs when the federal government grants
2 individuals entry into the United States. A green card, issued to individuals with resident
3 status, is often granted for a job in the United States or due to a family relationship, such
4 as marriage, with a U.S. citizen. Temporary visas are commonly issued for students and
5 temporary jobs.

6 According to the federal government, most unauthorized immigrants residing in the
7 United States either entered the country without inspection or stayed in the country past
8 the date they were required to leave. It is estimated that Colorado has 150,000
9 unauthorized immigrant residents of all ages.

10 Subject to documentation required by the measure, Proposition __ makes driver's
11 licenses available to unauthorized immigrants residing in Colorado. The measure allows
12 these residents to seek driving privileges, but their immigration status would remain
13 unchanged.

14 **Similar laws in other states.** Three states issue driver's licenses to unauthorized
15 immigrants: New Mexico, Utah, and Washington. To obtain a driver's license, all three
16 states require applicants to present proof of identity and state residency, and to pass
17 vision, written, and driving tests. Examples of acceptable proof of residency in other
18 states include a utility bill or bank statement. Utah requires applicants to also furnish an
19 ITIN.

20 The driver's licenses issued by New Mexico and Washington to unauthorized
21 immigrants look the same as those issued to all other persons. Utah's driving privilege
22 card for unauthorized immigrants looks different than a Utah driver's license and may not
23 be used as identification.

24 **Arguments For**

25 1) This measure provides unauthorized immigrants with the ability to drive legally,
26 improving employment opportunities, self-sufficiency, and contributions to Colorado's
27 economy and tax base. A driver's license may be critical to the fulfillment of day-to-day
28 responsibilities, such as working and transporting children to school. In addition to filing
29 state and federal income taxes, these additional drivers will contribute to the tax base
30 through fuel taxes, premium taxes on insurance, and sales and use taxes on vehicles.

31 2) This measure encourages cooperation with law enforcement. Holding a driver's
32 license encourages compliance with traffic laws, such as buying auto insurance, and
33 cooperation with law enforcement with a reduced fear of detainment and deportation.
34 Holding a driver's license will require training and testing in driver safety, and access to
35 auto insurance may reduce the likelihood that individuals leave the scene of an accident.

1 **Arguments Against**

2 1) This Colorado policy could undermine federal authority and diminish the
3 effectiveness of immigration laws, by creating access to a state document that is currently
4 reserved for U.S. citizens and individuals with an established immigration status. The
5 status of individuals not lawfully present in the United States is a matter of federal law.
6 The issuance of a driver's license implies that Colorado will provide a safe harbor for
7 individuals in violation of federal immigration law. The measure has a broad, subjective
8 standard for residency, which may prompt a surge in unauthorized immigrants emigrating
9 to the state to seek a driver's license or other state benefits.

10 2) This measure is potentially confusing to both public and private organizations that
11 use Colorado driver's licenses as evidence of identity, residency, or immigration status
12 according to established practice. The measure does not specify a distinct license for
13 unauthorized immigrants, which could burden these organizations with additional
14 requirements to investigate the identity or immigration status of all individuals presenting
15 a Colorado driver's license.