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S. WARD
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2011-2012 #52
Final Text

Be It enacted by the People of the State of Colorado

ELECTIONS/LICENSING
SECRETARY OF STATE

Shall there be an amendment to Colorado Revised Statutes to authorize the division of motor vehicles to issues a driver's license, temporary driver's license or identification card to Colorado resident with either an individual taxpayer identification number or social security number.

SECTION 1. In Colorado Revised Statutes, section 42-2-104, C.R.S., **repeal** (3) as follows:

42-2-104. Licenses issued - denied. (3) The department shall not issue any license to:
(e) ~~Any person whose presence in the United States is in violation of federal immigration laws;~~

SECTION 2. In Colorado Revised Statutes, section 42-2-107, C.R.S., **amend** (1) (II) (b) and (3) (a); and **repeals** (1) (c) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration – repeal. (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. IF THE APPLICANT DOES NOT PROVIDE PROOF OF LAWFUL PRESENCE THEY SHALL SUBMIT TO THE DEPARTMENT OF MOTOR VEHICLES PROOF OF COLORADO RESIDENCY ACCORDING TO C.R.S. 23-7-103 (2) (f), AND SHALL SUBMIT COLORADO TAX RETURNS FOR THE LAST CALENDAR YEAR, AND PROOF OF IDENTITY BY PROVIDING AN INDIVIDUAL TAX IDENTIFICATION NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE, AND ONE OF THE FOLLOWING DOCUMENTS:

- (A) A PASSPORT FROM THE APPLICANT'S COUNTRY OF ORIGIN;
- (B) A BIRTH CERTIFICATE FROM THE APPLICANT'S COUNTRY OF ORIGIN;
- (C) MILITARY IDENTIFICATION FROM THE APPLICANT'S COUNTRY OF ORIGIN;
- (D) A VOTER IDENTIFICATION CARD FROM THE APPLICANT'S COUNTRY OF ORIGIN.

(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 drivers' 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 OR PROOF OF IDENTITY AND RESIDENCY AS REQUIRED IN THIS SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(3) (a) Except as otherwise provided in paragraph (b) of this subsection (3), an application for a driver's or minor driver's license shall include the applicant's social security number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE, which shall remain confidential and shall not be placed on the applicant's driver's or minor driver's license; except that such confidentiality shall not extend to the state child support enforcement agency, the department, or a court of competent jurisdiction when requesting information in the course of activities authorized under article 13 of title 26, C.R.S., or

article 14 of title 14, C.R.S. If the applicant does not have a social security number, the applicant shall submit a sworn statement made under penalty of law, together with the application, stating that the applicant does not have a social security number.

~~(1) (c) The department may not issue a driver's or minor driver's license to any person who is not lawfully present in the United States.~~

SECTION 3. In Colorado Revised Statutes, section 42-2-114, C.R.S., **amend** (1) (b) (I) as follows:

42-2-114. License issued - fees - repeal. (1) (b) (I) In the event the department issues a driver's license that contains stored information, such license may include only the information that is specifically referenced in paragraph (a) of this subsection (1) and that appears in printed form on the face of the license issued by the department to the licensee; except that such stored information shall not include the licensee's social security number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER ISSUED BY THE INTERNAL REVENUE SERVICE.

SECTION 4. In Colorado Revised Statutes, section 42-2-122, C.R.S., **repeal** (1) (f)

42-2-122. Department may cancel license - limited license for physical or mental limitations. (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's or minor 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;~~

SECTION 5. This initiative takes effect January 1, 2013.