

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



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.

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

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

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.

(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.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO