First Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House **SENATE BILL 11-179**

LLS NO. 11-0749.01 Christy Chase

Miklosi and Kerr J.,

SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Senate Committees Judiciary

House Committees Economic and Business Development

A BILL FOR AN ACT

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

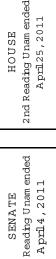
PURPOSES OF ENSURING WORK SITE SECURITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

In cases where 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 bill allows the employee to provide to the custodian of the premises an employer-issued identification card, in

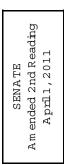
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lieu of a government-issued identification card, for purposes of verifying the employee's identity. A custodian cannot require the employee to surrender his or her government-issued identification card or retain the employee's government-issued identification card while the employee is present on the off-site premises, except when the employee does not surrender an employer-issued identification card to the custodian.

A custodian may require the employee to surrender his or her employer-issued photographic identification card, if one exists, and the custodian is permitted to hold that employer-issued identification card at all times while the employee is present on the off-site premises. If the employee provides an employer-issued identification card, the custodian may require the employee to allow him or her to examine another form of photographic identification to verify the employee's identity.

As defined in the bill:

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- "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 a commercial building, other than a federal, state, or local government building or a multi-residential property; and
- ! "Custodian" means the person who is authorized to provide or restrict access to an off-site premises, including security personnel for a commercial building or multi-residential property.

The bill takes effect July 1, 2011.

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

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

5 8-2-125. Identification of workers engaged in off-site work -6 permissible forms of identification - exceptions - definitions. 7 (1) (a) WHEN AN EMPLOYER DISPATCHES AN EMPLOYEE TO AN OFF-SITE 8 PREMISES TO PERFORM WORK ON BEHALF OF THE EMPLOYER FOR A 9 CUSTOMER LOCATED AT THE OFF-SITE PREMISES, THE EMPLOYEE MAY 10 PROVIDE AN EMPLOYER-ISSUED IDENTIFICATION CARD TO THE CUSTODIAN 11 OF THE OFF-SITE PREMISES IN LIEU OF A GOVERNMENT-ISSUED 1 IDENTIFICATION CARD FOR PURPOSES OF VERIFYING THE IDENTITY OF THE 2 EMPLOYEE. EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION 3 (1), THE CUSTODIAN OF THE OFF-SITE PREMISES SHALL NOT REQUIRE THE 4 EMPLOYEE TO SURRENDER HIS OR HER GOVERNMENT-ISSUED 5 IDENTIFICATION CARD TO THE CUSTODIAN OR RETAIN THE EMPLOYEE'S 6 GOVERNMENT-ISSUED IDENTIFICATION CARD WHILE THE EMPLOYEE IS 7 PHYSICALLY PRESENT ON THE OFF-SITE PREMISES ENGAGED IN THE 8 PERFORMANCE OF WORK ON BEHALF OF THE EMPLOYER.

9 (b) IF THE EMPLOYEE HAS AN EMPLOYER-ISSUED IDENTIFICATION 10 CARD, THE CUSTODIAN MAY REQUIRE THE EMPLOYEE TO SURRENDER HIS 11 OR HER EMPLOYER-ISSUED IDENTIFICATION CARD FOR PURPOSES OF 12 VERIFYING THE EMPLOYEE'S IDENTITY, AND THE CUSTODIAN MAY HOLD 13 THE EMPLOYER-ISSUED IDENTIFICATION CARD AT ALL TIMES WHILE THE 14 EMPLOYEE IS PRESENT ON THE OFF-SITE PREMISES.

15 (c) NOTWITHSTANDING THE PROHIBITION IN PARAGRAPH (a) OF 16 THIS SUBSECTION (1), IF THE EMPLOYEE DOES NOT SURRENDER AN 17 EMPLOYER-ISSUED IDENTIFICATION CARD, THE CUSTODIAN MAY REQUIRE 18 THE EMPLOYEE TO SURRENDER THE EMPLOYEE'S GOVERNMENT-ISSUED 19 IDENTIFICATION CARD TO VERIFY THE EMPLOYEE'S IDENTITY, AND THE 20 CUSTODIAN MAY HOLD THE GOVERNMENT-ISSUED IDENTIFICATION CARD 21 AT ALL TIMES WHILE THE EMPLOYEE IS PRESENT ON THE OFF-SITE 22 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

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1 A GOVERNMENT-ISSUED IDENTIFICATION CARD.

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

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

10 (a) "CUSTODIAN" MEANS THE PERSON WHO IS AUTHORIZED TO
11 PROVIDE OR RESTRICT ACCESS TO THE OFF-SITE PREMISES, INCLUDING
12 SECURITY PERSONNEL FOR A COMMERCIAL BUILDING OR
13 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.

18 (c) "GOVERNMENT-ISSUED IDENTIFICATION CARD" MEANS A 19 STATE-ISSUED DRIVER'S LICENSE OR IDENTIFICATION CARD CONTAINING 20 THE PERSON'S PHOTOGRAPH, AN IDENTIFICATION CARD OR PASSPORT 21 ISSUED BY THE FEDERAL GOVERNMENT CONTAINING THE PERSON'S 22 PHOTOGRAPH. A NATIVE AMERICAN TRIBAL DOCUMENT IDENTIFYING THE 23 PERSON AND CONTAINING THE PERSON'S PHOTOGRAPH, OR ANY OTHER 24 FORM OF IDENTIFICATION ISSUED BY THE FEDERAL OR A STATE 25 GOVERNMENT THAT CONTAINS THE PERSON'S PHOTOGRAPH AND 26 IDENTIFYING INFORMATION.

27 (d) "OFF-SITE PREMISES" MEANS A BUILDING OR PROPERTY THAT

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- IS NOT OWNED, LEASED, OPERATED, OR OTHERWISE UNDER THE CONTROL
 OF THE EMPLOYER OF THE EMPLOYEE WHO IS DISPATCHED TO THE
 PREMISES, INCLUDING:
- 4 (I) A COMMERCIAL BUILDING, OTHER THAN A FEDERAL, STATE, OR
 5 LOCAL GOVERNMENT BUILDING; OR
- 6 (II) A MULTI-RESIDENTIAL PROPERTY.
- 7 SECTION 2. Effective date. This act shall take effect July 1,
 8 2011.
- 9 **SECTION 3. Safety clause.** The general assembly hereby finds,
- 10 determines, and declares that this act is necessary for the immediate
- 11 preservation of the public peace, health, and safety.