

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0749.01 Christy Chase

SENATE BILL 11-179

SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Miklosi and Kerr J.,

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.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
2nd Reading Unam ended
April 25, 2011

SENATE
3rd Reading Unam ended
April 4, 2011

SENATE
Am ended 2nd Reading
April 1, 2011

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:

! "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.

23 (d) IF THE EMPLOYEE PROVIDES HIS OR HER EMPLOYER-ISSUED
24 IDENTIFICATION CARD TO THE CUSTODIAN PURSUANT TO PARAGRAPH (b)
25 OF THIS SUBSECTION (1), THE CUSTODIAN MAY REQUIRE THE EMPLOYEE TO
26 ALLOW THE CUSTODIAN TO EXAMINE A SECONDARY FORM OF
27 IDENTIFICATION CONTAINING THE EMPLOYEE'S PHOTOGRAPH, INCLUDING

1 A GOVERNMENT-ISSUED IDENTIFICATION CARD.

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

14 (b) "EMPLOYER-ISSUED IDENTIFICATION CARD" MEANS AN
15 IDENTIFICATION CARD ISSUED BY AN EMPLOYER TO AN EMPLOYEE THAT
16 CONTAINS, AT A MINIMUM, THE NAME OF THE EMPLOYER AND THE
17 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

1 IS NOT OWNED, LEASED, OPERATED, OR OTHERWISE UNDER THE CONTROL
2 OF THE EMPLOYER OF THE EMPLOYEE WHO IS DISPATCHED TO THE
3 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.