

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0503.01 Jery Payne x2157

**SENATE BILL 13-251**

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**SENATE SPONSORSHIP**

**Ulibarri and Morse**, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Newell, Schwartz, Steadman, Tochtrop, Todd

**HOUSE SPONSORSHIP**

**Melton**, Moreno, Salazar

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING DOCUMENTARY EVIDENCE NEEDED FOR AN INDIVIDUAL**  
102             **TO BE ISSUED AN IDENTITY DOCUMENT BY THE DEPARTMENT OF**  
103             **REVENUE.**

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**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>.)*

The bill repeals a prohibition against issuing a driver's license or identification card to a person who is not lawfully present in the U.S. and sets documentary standards for proof of identity and residency. To be licensed, the person must prove the payment of taxes and provide, from

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.*

the applicant's country of origin, a valid passport, consular identification card, or military identification. A person may provide an individual taxpayer identification number instead of a social security number. A driver's license or identification card will indicate that the holder is not a citizen of the United States.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-104, **add** (6) as  
3 follows:

4 **42-2-104. Licenses issued - denied.** (6) THE DEPARTMENT SHALL  
5 NOT ISSUE A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, OR INSTRUCTION  
6 PERMIT TO AN INDIVIDUAL WHOSE AUTHORIZATION TO BE PRESENT IN THE  
7 UNITED STATES IS TEMPORARY UNLESS THE INDIVIDUAL APPLIES UNDER  
8 AND COMPLIES WITH PART 5 OF THIS ARTICLE.

9 **SECTION 2.** In Colorado Revised Statutes, 42-2-302, **add** (7) as  
10 follows:

11 **42-2-302. Department may issue - limitations.** (7) THE  
12 DEPARTMENT SHALL NOT ISSUE AN IDENTIFICATION CARD TO AN  
13 INDIVIDUAL WHOSE AUTHORIZATION TO BE PRESENT IN THE UNITED  
14 STATES IS TEMPORARY UNLESS THE INDIVIDUAL APPLIES UNDER AND  
15 COMPLIES WITH PART 5 OF THIS ARTICLE.

16 **SECTION 3.** In Colorado Revised Statutes, **add** part 5 of article  
17 2 of title 42 as follows:

18 **PART 5**

19 **COLORADO ROAD AND COMMUNITY SAFETY ACT**

20 **42-2-501. Short title.** THIS PART 5 MAY BE KNOWN AND CITED AS  
21 THE "COLORADO ROAD AND COMMUNITY SAFETY ACT".

22 **42-2-502. Legislative declaration.** THE PURPOSE OF THIS PART 5  
23 IS TO AUTHORIZE AN INDIVIDUAL TO QUALIFY FOR A DRIVER'S LICENSE,

1 MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD  
2 DESPITE THE INDIVIDUAL NOT BEING LAWFULLY PRESENT OR BEING  
3 TEMPORARILY LAWFULLY PRESENT IN THE UNITED STATES. THIS PART 5  
4 IS NOT INTENDED TO CHANGE ANY OTHER BASIC REQUIREMENTS OR  
5 CONSEQUENCES OF HOLDING THE DOCUMENT UNDER ANY OTHER  
6 PROVISION OF LAW. THE SUSPENSION OF DRIVING PRIVILEGES, THE RULES  
7 OF THE ROAD, THE NEED TO PASS A DRIVING TEST, AND SIMILAR  
8 PROVISIONS ARE NOT BE AFFECTED BY THIS PART 5.

9 **42-2-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "IDENTIFICATION DOCUMENT" MEANS A DRIVER'S LICENSE,  
12 MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD  
13 ISSUED BY THE DEPARTMENT OF REVENUE UNDER THIS ARTICLE 2.

14 (2) "PROOF OF RETURN FILING" MEANS THE DOCUMENT ISSUED  
15 UNDER 39-21-113 (4) (b), C.R.S., THAT CERTIFIES THAT THE APPLICANT  
16 FILED A COLORADO RESIDENT INCOME TAX RETURN.

17 **42-2-504. Applicability.** (1) This part 5. THIS PART 5 APPLIES TO  
18 IDENTIFICATION DOCUMENTS FOR INDIVIDUALS WHO ARE NOT CITIZENS OF  
19 THE UNITED STATES AND WHO DO NOT HAVE PERMANENT RESIDENCY  
20 STATUS.

21 (2) Other provisions. PARTS 1 TO 4 OF THIS ARTICLE AND ARTICLE  
22 7 OF THIS TITLE APPLY TO IDENTIFICATION DOCUMENTS ISSUED UNDER THIS  
23 PART 5, BUT THIS PART 5 SUPERCEDES PARTS 1 TO 4 OF THIS ARTICLE AND  
24 ARTICLE 7 OF THIS TITLE FOR IDENTIFICATION DOCUMENTS ISSUED IN  
25 ACCORDANCE WITH THIS PART 5.

26 **42-2-505. Identification documents - individuals not lawfully**  
27 **present.** (1) Documents issued. AN INDIVIDUAL WHO IS NOT LAWFULLY

1 PRESENT MAY APPLY FOR AN IDENTIFICATION DOCUMENT IN ACCORDANCE  
2 WITH THIS PART 5. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION  
3 DOCUMENT TO AN APPLICANT WHO:

4 (a) QUALIFIES FOR THE DOCUMENT APPLIED FOR EXCEPT FOR  
5 QUALIFICATIONS THAT CONFLICT WITH THIS SECTION;

6 (b) PRESENTS PROOF OF RETURN FILING FOR THE IMMEDIATELY  
7 PRECEDING YEAR;

8 (c) DOCUMENTS AN INDIVIDUAL TAXPAYER IDENTIFICATION  
9 NUMBER ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE;

10 AND

11 (d) PRESENTS ONE OF THE FOLLOWING FROM THE APPLICANT'S  
12 COUNTRY OF ORIGIN:

13 (I) A PASSPORT;

14 (II) A CONSULAR IDENTIFICATION CARD; OR

15 (III) A MILITARY IDENTIFICATION DOCUMENT.

16 (2) Document contents. ON AN IDENTIFICATION DOCUMENT  
17 ISSUED UNDER THIS SECTION, THE DEPARTMENT SHALL PLACE THE PHRASE  
18 "NOT REAL ID COMPLIANT" CLEARLY DISPLAYED ON THE FACE.

19 **42-2-506. Identification documents - individuals temporarily**  
20 **lawfully present. (1) AN INDIVIDUAL WHOSE AUTHORITY TO LAWFULLY**  
21 **REMAIN WITHIN THE UNITED STATES IS TEMPORARY MAY APPLY FOR AN**  
22 **IDENTIFICATION DOCUMENT UNDER THIS SECTION. THE DEPARTMENT**  
23 **SHALL ISSUE AN IDENTIFICATION DOCUMENT IF:**

24 (a) THE INDIVIDUAL:

25 (I) QUALIFIES FOR THE DOCUMENT APPLIED FOR EXCEPT FOR  
26 QUALIFICATIONS THAT CONFLICT WITH THIS SECTION; AND

27 (II) PRODUCES DOCUMENTS THAT SATISFY THE DEPARTMENT THAT

1 THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES; AND

2 (b) THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S  
3 STATUS, INCLUDING ELECTRONICALLY THROUGH THE SAVE OR SOLVE  
4 SYSTEMS.

5 (2) Document contents. ON AN IDENTIFICATION DOCUMENT  
6 ISSUED UNDER THIS SECTION, THE DEPARTMENT SHALL PLACE THE PHRASE  
7 "NOT REAL ID COMPLIANT" CLEARLY DISPLAYED ON THE FACE.

8 **42-2-507. Taxpayer identification document - confidentiality.**

9 THE DEPARTMENT SHALL KEEP THE APPLICANT'S INDIVIDUAL TAXPAYER  
10 IDENTIFICATION NUMBER CONFIDENTIAL AND SHALL NOT PLACE IT ON THE  
11 APPLICANT'S DOCUMENT; EXCEPT THAT THIS CONFIDENTIALITY  
12 REQUIREMENT DOES NOT EXTEND TO THE STATE CHILD SUPPORT  
13 ENFORCEMENT AGENCY, THE DEPARTMENT, OR A COURT OF COMPETENT  
14 JURISDICTION WHEN REQUESTING INFORMATION IN THE COURSE OF  
15 ACTIVITIES AUTHORIZED UNDER ARTICLE 13 OF TITLE 26, C.R.S., OR  
16 ARTICLE 14 OF TITLE 14, C.R.S.

17 **42-2-508. Fees - rule.** THE DEPARTMENT MAY PROMULGATE A  
18 RULE IMPOSING AN ADDITIONAL FEE FOR ISSUANCE OF A DOCUMENT  
19 ISSUED UNDER THIS PART 5 TO COVER THE DIRECT AND INDIRECT COST OF  
20 IMPLEMENTING THIS PART 5.

21 **42-2-509. Renewal.** AN IDENTIFICATION DOCUMENT ISSUED UNDER  
22 THIS PART 5 EXPIRES THREE YEARS AFTER ISSUANCE. THE HOLDER OF THE  
23 DOCUMENT MUST APPLY FOR RENEWAL TO CONTINUE TO HOLD A VALID  
24 IDENTIFICATION DOCUMENT.

25 **42-2-510. Peace officers - arrest authority.** AN IMMIGRATION  
26 STATUS VIOLATION IS A FEDERAL OFFENSE. A PEACE OFFICER IS NOT  
27 AUTHORIZED TO ARREST AN INDIVIDUAL MERELY FOR POSSESSING AN

1 IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5.

2 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-72.1-103  
3 as follows:

4 **24-72.1-103. Identity documents - verifiable.** (1) EXCEPT AS  
5 PROVIDED IN PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S., a public entity that  
6 provides services shall not accept, rely upon, or utilize an identification  
7 document to provide services unless it is a secure and verifiable  
8 document.

9 (2) EXCEPT AS PROVIDED IN PART 5 OF ARTICLE 2 OF TITLE 42,  
10 C.R.S., a public entity that is issuing an identification card, license,  
11 permit, or official document shall not authorize acceptance of an  
12 identification document, nor shall a public official acting in an official  
13 capacity accept an identification document before issuing such  
14 documents, unless such identification document is a secure and verifiable  
15 document.

16 **SECTION 5.** In Colorado Revised Statutes, 24-76.5-103, **amend**  
17 (4) (a) (I) as follows:

18 **24-76.5-103. Verification of lawful presence - exceptions -**  
19 **reporting - rules.** (4) An agency or a political subdivision shall verify  
20 the lawful presence in the United States of each applicant eighteen years  
21 of age or older for federal public benefits or state or local public benefits  
22 by requiring the applicant to:

23 (a) Produce:

24 (I) A valid Colorado driver's license or a Colorado identification  
25 card issued pursuant to UNDER article 2 of title 42, C.R.S., UNLESS THE  
26 APPLICANT HOLDS A LICENSE OR CARD ISSUED UNDER PART 5 OF ARTICLE  
27 2 OF TITLE 42; or

1           SECTION 6. In Colorado Revised Statutes, 39-21-113, amend

2           (4) (b) as follows:

3           39-21-113. Reports and returns - repeal - rule.

4           (4) (b) (I) ~~Nothing in~~ This section shall be construed to DOES NOT  
5           prohibit the delivery to a person or his or her duly authorized  
6           representative of a copy of any return or report filed in connection with  
7           his or her tax. ~~Such copies~~ THE COPY may be certified by the executive  
8           director of the department of revenue or the head of any A group,  
9           division, or subordinate department, as appointed by the executive  
10           director in accordance with article 35 of title 24, C.R.S., and when so  
11           certified ~~shall be~~ IS evidence equally with and in like manner as the  
12           originals and may be ~~received~~ USED by the courts of this state A COURT as  
13           evidence of the contents of the originals.

14           (II) AN INDIVIDUAL OR HIS OR HER DULY AUTHORIZED  
15           REPRESENTATIVE MAY ALSO REQUEST PROOF OF RETURN FILING FOR  
16           PARTICULAR TAX YEARS. FOLLOWING REQUEST AND PAYMENT OF THE  
17           APPLICABLE FEE, THE DEPARTMENT SHALL PROVIDE PROOF OF RETURN  
18           FILING FOR A PERIOD FOR WHICH THE TAXPAYER HAS FILED A RETURN AND  
19           REQUESTED PROOF OF RETURN FILING. THE DEPARTMENT SHALL INCLUDE  
20           IN THE PROOF OF FILING:

21           (A) THE INDIVIDUAL'S NAME;

22           (B) THE INDIVIDUAL'S ADDRESS AS SHOWN ON THE MOST  
23           RECENTLY FILED RETURN;

24           (C) THE DATES OF THE TAX PERIODS OF THE REQUESTED RETURNS;

25           AND

26           (D) A STATEMENT AS TO WHETHER THE MOST RECENTLY FILED  
27           RETURN WAS FILED AS A RESIDENT OF COLORADO, OR, IF A PART-YEAR

1 RESIDENT, THE DATE THE INDIVIDUAL ACQUIRED OR ABANDONED  
2 RESIDENCY.

3 (III) THE DEPARTMENT SHALL PROMULGATE A RULE ESTABLISHING  
4 AND CHARGING A FEE FOR THE ISSUANCE OF PROOF OF RETURN FILING. TO  
5 BE VALID, THE CHARGE MUST BE BASED ON THE ACTUAL COST OF ISSUING  
6 THE PROOF OF RETURN FILING.

7 **SECTION 7. Act subject to petition - effective date -**  
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
9 the expiration of the ninety-day period after final adjournment of the  
10 general assembly (August 7, 2013, if adjournment sine die is on May 8,  
11 2013); except that, if a referendum petition is filed pursuant to section 1  
12 (3) of article V of the state constitution against this act or an item, section,  
13 or part of this act within such period, then the act, item, section, or part  
14 will not take effect unless approved by the people at the general election  
15 to be held in November 2014 and, in such case, will take effect on the  
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to applications submitted on or after January  
18 1, 2014.