

**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, AND, IN CONNECTION THEREWITH, MAKING AN**  
104                    **APPROPRIATION.**

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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

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.*

sets documentary standards for proof of identity and residency. To be licensed, the person must prove the payment of taxes and provide, from 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

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

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

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

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

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

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

27 **42-2-505. Identification documents - individuals not lawfully**

1 **present. (1) Documents issued.** AN INDIVIDUAL WHO IS NOT LAWFULLY  
2 PRESENT MAY APPLY FOR AN IDENTIFICATION DOCUMENT IN ACCORDANCE  
3 WITH THIS PART 5. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION  
4 DOCUMENT TO AN APPLICANT WHO:

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

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

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

11 AND

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

14 (I) A PASSPORT;

15 (II) A CONSULAR IDENTIFICATION CARD; OR

16 (III) A MILITARY IDENTIFICATION DOCUMENT.

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

20 **42-2-506. Identification documents - individuals temporarily**

21 **lawfully present.** (1) AN INDIVIDUAL WHOSE AUTHORITY TO LAWFULLY  
22 REMAIN WITHIN THE UNITED STATES IS TEMPORARY MAY APPLY FOR AN  
23 IDENTIFICATION DOCUMENT UNDER THIS SECTION. THE DEPARTMENT  
24 SHALL ISSUE AN IDENTIFICATION DOCUMENT IF:

25 (a) THE INDIVIDUAL:

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

1           (II) PRODUCES DOCUMENTS THAT SATISFY THE DEPARTMENT THAT  
2           THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES; AND

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

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

9           **42-2-507. Taxpayer identification document - confidentiality.**  
10          THE DEPARTMENT SHALL KEEP THE APPLICANT'S INDIVIDUAL TAXPAYER  
11          IDENTIFICATION NUMBER CONFIDENTIAL AND SHALL NOT PLACE IT ON THE  
12          APPLICANT'S DOCUMENT; EXCEPT THAT THIS CONFIDENTIALITY  
13          REQUIREMENT DOES NOT EXTEND TO THE STATE CHILD SUPPORT  
14          ENFORCEMENT AGENCY, THE DEPARTMENT, OR A COURT OF COMPETENT  
15          JURISDICTION WHEN REQUESTING INFORMATION IN THE COURSE OF  
16          ACTIVITIES AUTHORIZED UNDER ARTICLE 13 OF TITLE 26, C.R.S., OR  
17          ARTICLE 14 OF TITLE 14, C.R.S.

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

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

26          **42-2-510. Peace officers - arrest authority.** AN IMMIGRATION  
27          STATUS VIOLATION IS A FEDERAL OFFENSE. A PEACE OFFICER IS NOT

1 AUTHORIZED TO ARREST AN INDIVIDUAL MERELY FOR POSSESSING AN  
2 IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5.

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

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

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

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

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

24 (a) Produce:

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

1 2 OF TITLE 42; or

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

3 (4) (b) as follows:

4 39-21-113. Reports and returns - repeal - rule.

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

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

22 (A) THE INDIVIDUAL'S NAME;

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

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

26 AND

27 (D) A STATEMENT AS TO WHETHER THE MOST RECENTLY FILED

1 RETURN WAS FILED AS A RESIDENT OF COLORADO, OR, IF A PART-YEAR  
2 RESIDENT, THE DATE THE INDIVIDUAL ACQUIRED OR ABANDONED  
3 RESIDENCY.

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

8 **SECTION 7. Appropriation.** (1) In addition to any other  
9 appropriation, there is hereby appropriated to the department of revenue,  
10 for the fiscal year beginning July 1, 2013, the sum of \$855,686 and 6.2  
11 FTE, or so much thereof as may be necessary for the implementation of  
12 this act as follows:

13 (a) \$423,924 is from the general fund, of which \$33,924 is  
14 allocated to the information technology division for the purchase of  
15 computer center services and \$390,000 is allocated to the division of  
16 motor vehicles for contract services;

17 (b) \$403,194 and 6.2 FTE is from the licensing services cash fund  
18 created in section 42-2-114.5 (1), Colorado Revised Statutes, for  
19 allocation to the division of motor vehicles; and

20 (c) \$28,568 is from the identification security fund created in  
21 section 42-1-220 (1), Colorado Revised Statutes, for allocation to the  
22 division of motor vehicles.

23 (2) In addition to any other appropriation, there is hereby  
24 appropriated to the governor - lieutenant governor - state planning and  
25 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$33,924,  
26 or so much thereof as may be necessary, for allocation to the office of  
27 information technology, for the provision of computer center services for

1 the department of revenue related to the implementation of this act. Said  
2 sum is from reappropriated funds received from the department of  
3 revenue out of the appropriation made in paragraph (a) of subsection (1)  
4 of this section.

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

15 (2) This act applies to applications submitted on or after January  
16 1, 2014.