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2001



HOUSE BILL 01-1125

BY REPRESENTATIVE(S) Miller, Clapp, Coleman, Decker, Garcia, Groff, Grossman, Hoppe, Lawrence, Lee, Mace, Ragsdale, Rippey, Romanoff, Sanchez, Snook, Spradley, Stengel, Swenson, Tapia, Tochtrop, Veiga, and Webster;
also SENATOR(S) Teck, Chlouber, Dyer (Arapahoe), and Tupa.

CONCERNING MEASURES THAT WILL PREVENT THE MISUSE OF CERTAIN FORMS OF IDENTIFICATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 42-2-106 (2), Colorado Revised Statutes, is amended to read:

42-2-106. Instruction permits and temporary licenses. (2) (a) The department, in its discretion, may issue a temporary driver's license to an applicant, WHO IS NOT A FIRST TIME APPLICANT IN COLORADO OR WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A RESPONSIBLE PARTY MEETING THE REQUIREMENTS OF 42-2-108 (1), for a minor driver's or driver's license which will permit such applicant to operate a motor vehicle while the department completes its ~~investigation and determination~~ VERIFICATION of all facts relative to such applicant's right to receive a minor

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

driver's or driver's license.

(b) THE DEPARTMENT SHALL ISSUE A TEMPORARY DRIVER'S LICENSE TO A FIRST TIME APPLICANT IN COLORADO FOR A MINOR DRIVER'S OR DRIVER'S LICENSE THAT WILL PERMIT SUCH APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO SUCH APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S OR DRIVER'S LICENSE INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE APPLICANT, UNLESS SUCH APPLICANT IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A RESPONSIBLE ADULT MEETING THE REQUIREMENTS OF SECTION 42-2-108 (1). SUCH VERIFICATION SHALL INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE APPLICANT'S IMAGES TO ENSURE SUCH APPLICANT HAS ONLY ONE IDENTITY.

(c) ~~Such~~ A temporary license is valid for up to one year AS DETERMINED BY THE DEPARTMENT, unless extended by the department, and must be in such applicant's immediate possession while operating a motor vehicle. It shall be invalid when the permanent license has been issued or has been refused for good cause.

SECTION 2. 42-2-107 (1) (a), Colorado Revised Statutes, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund - legislative declaration - repeal. (1) (a) (I) Every application for an instruction permit or for a driver's or minor driver's license shall be made upon forms furnished by the department. Every application shall be accompanied by the required fee. The fee for an application for any instruction permit shall be ten dollars. Every applicant shall submit, with the application, proof of age or proof of identity, or both, as the department may require.

(II) IF AN APPLICANT IS APPLYING FOR AN INSTRUCTION PERMIT OR DRIVER'S OR MINOR DRIVER'S LICENSE FOR THE FIRST TIME IN COLORADO AND THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS FOR SUCH LICENSE OR PERMIT, THE APPLICANT SHALL RECEIVE A TEMPORARY LICENSE OR INSTRUCTION PERMIT PURSUANT TO SECTION 42-2-106 (2) UNTIL THE DEPARTMENT VERIFIES ALL FACTS RELATIVE TO SUCH APPLICANT'S RIGHT TO

RECEIVE AN INSTRUCTION PERMIT OR MINOR DRIVER'S OR DRIVER'S LICENSE INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE APPLICANT.

SECTION 3. 42-2-114 (1) (a) and (2) (a) (I) (E), Colorado Revised Statutes, are amended, and the said 42-2-114 (2) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

42-2-114. License issued - fees - repeal. (1) (a) (I) The department, upon payment of the required fee AND THE SURRENDER OR CANCELLATION OF ANY PREVIOUSLY ISSUED COLORADO IDENTIFICATION CARD, shall issue to every applicant, WHO IS NOT A FIRST TIME APPLICANT IN COLORADO OR WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A RESPONSIBLE ADULT MEETING THE REQUIREMENTS OF SECTION 42-2-108 (1), qualifying therefor EITHER a driver's or minor driver's license as applied for, ~~which~~ ACCORDING TO THE QUALIFICATION FOR EITHER LICENSE.

(II) THE DEPARTMENT, AFTER PAYMENT OF THE REQUIRED FEE AND THE SURRENDER OR CANCELLATION OF ANY PREVIOUSLY ISSUED COLORADO IDENTIFICATION CARD, SHALL ISSUE AN INSTRUCTION PERMIT OR MINOR DRIVER'S OR DRIVER'S LICENSE TO A FIRST TIME APPLICANT IN COLORADO ONLY AFTER THE DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO SUCH APPLICANT'S RIGHT TO RECEIVE AN INSTRUCTION PERMIT OR MINOR DRIVER'S OR DRIVER'S LICENSE INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE APPLICANT, UNLESS SUCH APPLICANT IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A RESPONSIBLE ADULT MEETING THE REQUIREMENTS OF SECTION 42-2-108 (1). BY JULY 1, 2002, SUCH VERIFICATION SHALL UTILIZE APPROPRIATE AND ACCURATE TECHNOLOGY AND TECHNIQUES. SUCH VERIFICATION SHALL INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE APPLICANT'S IMAGES TO ENSURE SUCH APPLICANT HAS ONLY ONE IDENTITY. ONLY ONE FEE SHALL BE ASSESSED FOR THE ISSUANCE OF A TEMPORARY LICENSE AND A SUBSEQUENT MINOR DRIVER'S OR DRIVER'S LICENSE ISSUED AS A RESULT OF THE SAME APPLICATION.

(III) SUCH license shall bear thereon THE FOLLOWING:

(A) The photograph of the licensee, which shall be taken and processed with equipment leased or owned by the department;

(B) A distinguishing number assigned to the licensee;

(C) The full name, date of birth, and residence address and a brief description of the licensee;

(D) The type or general class of vehicles the licensee may drive;

(E) Any restrictions applicable to the licensee;

(F) The expiration date of the license;

(G) The official seal of the department;

(H) A reference to the previous license issued to the licensee;

(I) The usual signature of the licensee; ~~and~~,

(J) At the licensee's option, an identification number which shall be the licensee's social security number; AND

(K) ONE OR MORE SECURITY FEATURES THAT ARE NOT VISIBLE AND ARE CAPABLE OF AUTHENTICATING SUCH LICENSE AND ANY INFORMATION CONTAINED THEREIN.

(IV) THE DEPARTMENT SHALL PROMULGATE RULES THAT SHALL NOT ALLOW THE ACCESS AND USE OF IMAGES AND IMAGE COMPARISON TECHNOLOGY, UNLESS SUCH IMAGES AND IMAGE COMPARISON TECHNOLOGY IS USED FOR THE FOLLOWING:

(A) TO AID A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY IN CARRYING OUT SUCH AGENCY'S OFFICIAL FUNCTIONS PURSUANT TO SECTION 24-72-204 (7), C.R.S.;

(B) TO AID THE DEPARTMENT TO ASCERTAIN A PERSON'S CORRECT IDENTITY; OR

(C) TO AID THE DEPARTMENT TO PREVENT THE ISSUANCE OF MULTIPLE DRIVER'S LICENSES OR IDENTIFICATION CARDS TO THE SAME PERSON.

(2) (a) (I) Except as provided in subsection (3) of this section:

(E) On or before July 1, 2005, the department shall submit a report to the transportation legislation review committee, created in section 43-2-145, C.R.S., concerning the effect of extending the expiration of driver's licenses on the fee revenue of the department and its authorized agents, AND THE ADVISABILITY OF CONTINUING THE FEES IMPOSED IN SUB-SUBPARAGRAPH (F) OF THIS SUBPARAGRAPH (I) AND THE IDENTIFICATION SECURITY FUND CREATED IN SECTION 42-1-220 THAT IS FUNDED THROUGH SUCH FEES.

(F) IN ADDITION TO THE FEES IMPOSED IN SUB-SUBPARAGRAPHS (A) TO (D) OF THIS SUBPARAGRAPH (I), THE FEE FOR THE ISSUANCE OF A MINOR DRIVER'S OR DRIVER'S LICENSE SHALL INCLUDE A SIXTY CENT SURCHARGE. SUCH SURCHARGE SHALL BE FORWARDED TO THE DEPARTMENT FOR TRANSMISSION TO STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE IDENTIFICATION SECURITY FUND CREATED IN SECTION 42-1-220. THIS SUB-SUBPARAGRAPH (F) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 4. 42-2-306 (1) (a) (IV), Colorado Revised Statutes, as it will become effective July 1, 2001, is amended, and the said 42-2-306 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

42-2-306. Fees - disposition - repeal. (1) The department shall charge and collect the following fees:

(a) (IV) On or before July 1, 2005, the department shall submit a report to the transportation legislation review committee, created in section 43-2-145, C.R.S., concerning the effect of extending the expiration of identification cards on the fee revenue of the department, AND THE ADVISABILITY OF CONTINUING THE FEES IMPOSED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (a) AND THE IDENTIFICATION SECURITY FUND CREATED IN SECTION 42-1-220 THAT IS FUNDED THROUGH SUCH FEES.

(V) (A) IN ADDITION TO THE FEES IMPOSED IN SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (a), THE FEE FOR THE ISSUANCE OF AN IDENTIFICATION CARD SHALL INCLUDE A SIXTY CENT SURCHARGE. SUCH SURCHARGE SHALL BE FORWARDED TO THE DEPARTMENT FOR TRANSMISSION TO STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE IDENTIFICATION SECURITY FUND CREATED IN SECTION 42-1-220.

(B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 5. Part 2 of article 1 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-1-220. Identification security fund - repeal. (1) THERE IS HEREBY CREATED A SPECIAL PURPOSE ACCOUNT IN THE HIGHWAY USERS TAX FUND FOR THE PURPOSE OF ENHANCING THE SECURITY OF THE DRIVER'S LICENSES AND IDENTIFICATION CARDS. MONEYS RECEIVED FROM THE FEES IMPOSED IN SECTIONS 42-2-114 (2) (a) (I) (F) AND 42-2-306 (1) (a) (V) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO SUCH SPECIAL ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND, TO BE KNOWN AS THE IDENTIFICATION SECURITY FUND. MONEYS IN THE IDENTIFICATION SECURITY FUND SHALL BE USED, SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, TO COVER THE COSTS OF DRIVER'S LICENSE AND IDENTIFICATION CARD SECURITY ENHANCEMENTS REQUIRED BY SECTIONS 42-2-106 (2) (b), 42-2-107 (1) (a) (II), 42-2-114 (1) (a), 42-2-302 (4), AND 42-2-303 (3).

(2) ON OR BEFORE JULY 1, 2006, THE STATE AUDITOR SHALL SUBMIT A REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE, CREATED IN SECTION 43-2-145, C.R.S., CONCERNING THE EFFECTIVENESS OF THE SECURITY FEATURES THAT ARE PART OF THE DRIVER'S LICENSE SYSTEM IN REDUCING THE INCIDENCE OF ISSUANCE OF FRAUDULENT DRIVERS' LICENSES AND IDENTIFICATION CARDS.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 6. 42-2-302 (1) (a), Colorado Revised Statutes, is amended, and said 42-2-302 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

42-2-302. Department may issue - limitations. (1) (a) Any person, which for purposes of this part 3 means a resident of this state, may be issued an identification card by the department certified by the registrant and attested by the department as to true name, date of birth, current address, social security number, if any, and any other identifying data the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths or by an employee of the department. SUCH IDENTIFICATION CARD SHALL NOT BE ISSUED UNTIL ANY PREVIOUSLY ISSUED INSTRUCTION PERMIT OR MINOR DRIVER'S OR DRIVER'S LICENSE IS

SURRENDERED OR CANCELLED.

(4) THE DEPARTMENT SHALL NOT ISSUE AN IDENTIFICATION CARD TO A FIRST TIME APPLICANT IN COLORADO UNTIL THE DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO SUCH APPLICANT'S RIGHT TO RECEIVE AN IDENTIFICATION CARD INCLUDING THE RESIDENCY, IDENTITY, AGE, AND CURRENT LICENSING STATUS OF THE APPLICANT. SUCH VERIFICATION SHALL UTILIZE APPROPRIATE AND ACCURATE TECHNOLOGY AND TECHNIQUES. SUCH VERIFICATION SHALL INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE APPLICANT'S IMAGES TO ENSURE SUCH APPLICANT HAS ONLY ONE IDENTITY.

(5) THE DEPARTMENT SHALL NOT ISSUE AN IDENTIFICATION CARD TO A PERSON WHO HOLDS A VALID MINOR DRIVER'S OR DRIVER'S LICENSE.

SECTION 7. 42-2-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-303. Contents of identification card. (3) AN IDENTIFICATION CARD SHALL CONTAIN ONE OR MORE SECURITY FEATURES THAT ARE NOT VISIBLE AND ARE CAPABLE OF AUTHENTICATING SUCH CARD AND ANY INFORMATION CONTAINED THEREIN.

SECTION 8. 42-2-136 (1), Colorado Revised Statutes, is amended to read:

42-2-136. Unlawful possession or use of license. (1)(a) No person shall have in such person's possession a lawfully issued driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

(b) NO PERSON SHALL FRAUDULENTLY OBTAIN A DRIVER'S, MINOR DRIVER'S, OR TEMPORARY DRIVER'S LICENSE OR AN INSTRUCTION PERMIT.

SECTION 9. 16-3-103 (1), Colorado Revised Statutes, is amended

to read:

16-3-103. Stopping of suspect. (1) A peace officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions. A PEACE OFFICER SHALL NOT REQUIRE ANY PERSON WHO IS STOPPED PURSUANT TO THIS SECTION TO PRODUCE OR DIVULGE SUCH PERSON'S SOCIAL SECURITY NUMBER. The stopping shall not constitute an arrest.

SECTION 42-4-1707 (6), Colorado Revised Statutes, is amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty and surcharge thereon to the department or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint. If the defendant does possess a valid Colorado driver's license, the defendant shall not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. THE PEACE OFFICER SHALL NOT REQUIRE ANY PERSON WHO IS ELIGIBLE TO BE ISSUED A SUMMONS AND COMPLAINT OR A PENALTY ASSESSMENT NOTICE FOR A VIOLATION OF THIS TITLE TO PRODUCE OR DIVULGE SUCH PERSON'S SOCIAL SECURITY NUMBER.

SECTION 10. Appropriation - adjustment to the 2001 long bill. For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2001, shall be adjusted as follows: the general fund appropriation to the department of revenue is decreased by eight thousand six hundred fifty-two dollars (\$8,652) and 0.2 FTE.

SECTION 11. Effective date - applicability. This act shall take effect July 1, 2001, and shall apply to acts committed on or after said date.

SECTION 12. 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.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO