

Driver's Licenses

1 **Proposition __ proposes amending the Colorado statutes to:**

- 2 ♦ allow the state to issue a Colorado driver's license, minor driver's
3 license, or instruction permit to noncitizen residents of the state who
4 cannot provide proof of lawful presence in the United States
5 (unauthorized immigrants); and
- 6 ♦ require such persons to present proof of Colorado residency, proof of
7 identity, Colorado tax returns, and a federal individual taxpayer
8 identification number (ITIN), in order to obtain a license or permit.

9 **Summary and Analysis**

10 ***Requirements for obtaining a driver's license under current law.*** An applicant
11 for a Colorado driver's license must be of driving age and provide documentation
12 establishing identity and residency in Colorado. Under current law, an applicant must
13 also show evidence of lawful presence in the United States. This evidence includes:

- 14 • a U.S. passport;
- 15 • an out-of-state driver's license, if the issuing state has verified lawful
16 presence in the United States;
- 17 • a U.S. military identification card; or
- 18 • immigration documents, such as Form I-551 (green card).

19 ***Requirements for obtaining a driver's license under Proposition __.*** Under
20 this measure, applicants who cannot provide proof of lawful presence in the United
21 States may obtain a Colorado driver's license or instruction permit by:

- 22 • proving Colorado residency;
- 23 • submitting state income tax returns for the previous year;
- 24 • providing a federal ITIN;
- 25 • proving their identity; and
- 26 • meeting all other requirements for a driver's license or instruction permit, such
27 as vision, written, and driving tests.

28 As proof of residency under the measure, Colorado driver's license officials may
29 consider employment in Colorado, home ownership in Colorado, graduation from a
30 Colorado high school, vehicle registration in the state, and other factors that establish
31 an intent to make Colorado home. As proof of identity under the measure, an
32 applicant must submit a passport, birth certificate, military identification, or voter
33 identification card from the applicant's country of origin.

1 **Population eligible for obtaining a driver's license under Proposition ___.**
2 Under federal law, individuals born outside the United States must be authorized to
3 enter and reside in any state. Authorized immigration occurs when the federal
4 government grants individuals entry into the United States. A green card, issued to
5 individuals with resident status, is often granted for a job in the United States or due to
6 a family relationship, such as marriage, with a U.S. citizen. Temporary visas are
7 commonly issued for students and temporary jobs.

8 According to the federal government, most unauthorized immigrants residing in the
9 United States either entered the country without inspection or stayed in the country
10 past the date they were required to leave. It is estimated that Colorado has 150,000
11 unauthorized immigrant residents of all ages.

12 Subject to documentation required by the measure, Proposition ___ makes driver's
13 licenses available to unauthorized immigrants residing in Colorado. The measure
14 allows these residents to seek driving privileges, but their immigration status would
15 remain unchanged.

16 **Similar laws in other states.** Three states issue driver's licenses to unauthorized
17 immigrants: New Mexico, Utah, and Washington. To obtain a driver's license, all three
18 states require applicants to present proof of identity and state residency, and to pass
19 vision, written, and driving tests. Examples of acceptable proof of residency in other
20 states include a utility bill or bank statement. Utah also requires applicants to furnish
21 an ITIN.

22 The driver's licenses issued by New Mexico and Washington to unauthorized
23 immigrants look the same as those issued to all other persons. Utah's driving
24 privilege card for unauthorized immigrants looks different from a Utah driver's license
25 and may not be used as identification.

26 *For information on those issue committees that support or oppose the*
27 *measures on the ballot at the November 6, 2012, election, go to the*
28 *Colorado Secretary of State's elections center web site hyperlink for*
29 *ballot and initiative information:*
30 www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html

31 **Arguments For**

32 1) This measure provides unauthorized immigrants with the opportunity to drive
33 legally, improving employment opportunities, self-sufficiency, and contributions to
34 Colorado's economy and tax base. A driver's license may be critical to the fulfillment
35 of day-to-day responsibilities, such as working and transporting children to school. In
36 addition to filing state and federal income taxes, these additional drivers will contribute
37 to the tax base through fuel taxes, premium taxes on insurance, and sales and use
38 taxes on vehicles.

1 2) This measure encourages cooperation with law enforcement. Holding a
2 driver's license encourages compliance with traffic laws, such as buying auto
3 insurance, and cooperation with law enforcement with a reduced fear of detainment
4 and deportation. Holding a driver's license will require training and testing in driver
5 safety, and access to auto insurance may reduce the likelihood that individuals leave
6 the scene of an accident.

7 **Arguments Against**

8 1) By creating access to a state document that is currently reserved for U.S.
9 citizens and individuals with an established immigration status, this measure may
10 undermine federal authority and diminish the effectiveness of immigration laws. The
11 status of individuals not lawfully present in the United States is a matter of federal law.
12 The issuance of a driver's license implies that Colorado will provide a safe harbor for
13 individuals in violation of federal immigration law. The measure has a broad,
14 subjective standard for residency, which may prompt a surge in unauthorized
15 immigrants emigrating to the state to seek a driver's license.

16 2) This measure is potentially confusing to both public and private organizations
17 that use Colorado driver's licenses as evidence of identity, residency, or immigration
18 status according to established practice. The measure does not specify a distinct
19 license for unauthorized immigrants, which could burden these organizations with
20 additional requirements to investigate the identity or immigration status of all
21 individuals presenting a Colorado driver's license.

22 **Estimate of Fiscal Impact**

23 It is estimated Amendment_ will increase the number of driver's licenses issued in
24 Colorado, increasing state revenue and expenditures. The fiscal impact is difficult to
25 determine because the number of unauthorized immigrants who will apply for the
26 license is unknown. Those applying will have to show proof of identity and Colorado
27 residency. Utah issues driving privilege cards to unauthorized immigrants, and about
28 one-third of the unauthorized immigration population has been issued cards.
29 Assuming one-third of the estimated unauthorized immigrants in Colorado are issued
30 licenses, approximately 50,000 new drivers would be licensed.

31 Based on the current driver's license fee of \$21, fee revenue would increase by
32 about \$1.0 million. Expenditures to issue the licenses are estimated to be \$650,000.
33 This includes one-time costs for such items as computer programming and a system
34 to verify foreign documents. In addition to the number of people who apply for the
35 license, the fiscal impact will also vary based on factors such as the fee charged and
36 the length of the renewal period. Utah requires unauthorized immigration driving
37 privilege cards to be renewed annually. Colorado driver's licenses are currently
38 renewed every five years.