

CHAPTER 260

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 18-108

BY SENATOR(S) Crowder and Coram, Aguilar, Court, Donovan, Fenberg, Fields, Garcia, Guzman, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Todd, Williams A., Zenzinger;
 also REPRESENTATIVE(S) Arndt and Singer, Buckner, Coleman, Esgar, Exum, Foote, Garnett, Gray, Hamner, Herod, Hooton, Jackson, Kraft-Tharp, Lee, Lontine, Melton, Michaelson Jenet, Pabon, Pettersen, Roberts, Rosenthal, Salazar, Valdez, Weissman, Duran, Becker K., Winter, Young.

AN ACT

CONCERNING THE ISSUANCE OF IDENTIFICATION DOCUMENTS UNDER THE "COLORADO ROAD AND COMMUNITY SAFETY ACT" TO PERSONS WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-2-504, **amend** (2) as follows:

42-2-504. Applicability. (2) Other provisions. Parts 1 to 4 of this ~~article~~ **ARTICLE 2** and article 7 of this ~~title~~ **TITLE 42** apply to identification documents issued OR RENEWED under this part 5, but TO THE EXENT THERE IS A CONFLICT, this part 5 supercedes parts 1 to 3 of this ~~article~~ **ARTICLE 2** and article 7 of this ~~title~~ **TITLE 42** for identification documents issued in compliance with this part 5.

SECTION 2. In Colorado Revised Statutes, 42-2-505, **amend** (1) introductory portion and (1)(c) as follows:

42-2-505. Identification documents - individuals not lawfully present - rules.

(1) **Documents issued.** An individual who is not lawfully present IN THE UNITED STATES may apply for an identification document in accordance with this part 5. The department shall issue an identification document to an applicant who:

(c) (I) Documents an individual taxpayer identification number issued by the United States internal revenue service; ~~and~~ OR

(II) DOCUMENTS A SOCIAL SECURITY NUMBER ISSUED BY THE UNITED STATES

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SOCIAL SECURITY ADMINISTRATION, WHICH DOCUMENTATION MAY INCLUDE A SOCIAL SECURITY CARD OR ANY OTHER DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT AS PROVIDED BY RULE IF THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S SOCIAL SECURITY NUMBER. THIS CONFIRMATION MUST INCLUDE ELECTRONIC CONFIRMATION THROUGH THE SOCIAL SECURITY ONLINE VERIFICATION SYSTEM COMMONLY KNOWN AS SSOLV; AND

SECTION 3. In Colorado Revised Statutes, **amend** 42-2-509 as follows:

42-2-509. Renewal - duplicate - replacement - rule. (1) **Renewal.** (a) An identification document issued under this part 5 expires three years after issuance. The holder of the document must apply for renewal IN ACCORDANCE WITH SECTION 42-2-118 OR 42-2-304, AS APPLICABLE, to continue to hold a valid identification document; EXCEPT THAT THE HOLDER:

(I) NEED NOT DEMONSTRATE LAWFUL PRESENCE IF THE IDENTIFICATION DOCUMENT WAS ISSUED UNDER SECTION 42-2-504;

(II) IS NOT PERMITTED TO EXTEND THE EXPIRATION DATE UNDER SECTION 42-2-118 (1)(b)(I); AND

(III) IS NOT PERMITTED TO OBTAIN AN IDENTIFICATION DOCUMENT USING A SWORN STATEMENT OF THE PERSON'S SOCIAL SECURITY NUMBER.

(b) TO RENEW AN IDENTIFICATION DOCUMENT ISSUED UNDER SECTION 42-2-504 TO A PERSON WHO IS NOT LAWFULLY PRESENT, THE HOLDER MUST PRESENT THE IDENTIFICATION DOCUMENT AND PROVIDE EVIDENCE OF CURRENT COLORADO RESIDENCY AS DETERMINED BY THE DEPARTMENT BY RULE.

(2) **Duplicate permits, minor licenses, and identification cards - replacements.** IF AN INSTRUCTION PERMIT, MINOR DRIVER'S LICENSE, OR IDENTIFICATION CARD ISSUED UNDER THIS PART 5 IS LOST, STOLEN, OR DESTROYED, THE PERSON TO WHOM IT WAS ISSUED MAY OBTAIN A DUPLICATE OR REPLACEMENT IN ACCORDANCE WITH SECTION 42-2-117 OR 42-2-305, AS APPLICABLE.

SECTION 4. In Colorado Revised Statutes, 42-2-117, **amend** (1.5) as follows:

42-2-117. Duplicate permits and minor licenses - replacement licenses. (1.5) Upon furnishing satisfactory proof to the department that a driver's license issued under ~~the provisions of this article~~ ARTICLE 2 has been lost, stolen, or destroyed, the person to whom ~~the same~~ IT WAS ISSUED ~~shall~~ MAY apply for ~~renewal~~ A DUPLICATE OR REPLACEMENT of the license pursuant to section 42-2-118. The new driver's license ~~shall expire~~ EXPIRES as provided in section 42-2-114 IF ISSUED UNDER THIS PART 1 OR AS PROVIDED IN SECTION 42-2-509 (1) IF ISSUED UNDER PART 5 OF THIS ARTICLE 2.

SECTION 5. In Colorado Revised Statutes, 42-2-118, **amend** (1)(a)(I), (1)(b)(I), (1.3)(a) introductory portion, (1.3)(a)(II), (1.5)(a) introductory portion, and (1.5)(a)(II) as follows:

42-2-118. Renewal of license in person or by mail - donations to Emily Keyes

- John W. Buckner organ and tissue donation awareness fund - repeal.

(1) (a) (I) Every license issued under section 42-2-114 ~~shall be~~ OR PART 5 OF THIS ARTICLE 2 IS renewable prior to its expiration, upon application in person, by mail as provided in subsection (1.3) of this section, or by electronic means as provided in subsection (1.5) of this section; payment of the required fee; passing of an eye test; passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable; and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section. If a person renews his or her license pursuant to this ~~subparagraph (I)~~ SUBSECTION (1)(a)(I) by electronic means, the person ~~shall~~ MUST attest under penalty of perjury that he or she has had an eye examination by ~~any~~ AN optometrist or an ophthalmologist within three years before the date of application.

(b) (I) (A) ~~Any~~ A license referred to in ISSUED UNDER section 42-2-114 that, at the time of its expiration, is held by a resident of this state who is temporarily outside of this state or is prevented by disability from complying with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION may be extended for a period of one year if the licensee applies to the department for an extension of the expiration date prior to the date the license expires and pays a fee set by the department in accordance with section 42-2-114.5 (2).

(B) A LICENSE ISSUED UNDER PART 5 OF THIS ARTICLE 2 THAT, AT THE TIME OF ITS EXPIRATION, IS HELD BY A RESIDENT OF THIS STATE WHO IS PREVENTED BY DISABILITY FROM COMPLYING WITH SUBSECTION (1)(a) OF THIS SECTION MAY BE EXTENDED FOR A PERIOD OF ONE YEAR IF THE LICENSEE APPLIES TO THE DEPARTMENT FOR AN EXTENSION OF THE EXPIRATION DATE PRIOR TO THE DATE THE LICENSE EXPIRES AND PAYS A FEE SET BY THE DEPARTMENT IN ACCORDANCE WITH SECTION 42-2-114.5 (2).

(C) The department shall transfer the ~~fee~~ FEES PAID IN ACCORDANCE WITH THIS SUBSECTION (1)(b) to the state treasurer, who shall credit ~~it~~ THEM to the licensing services cash fund, created in section 42-2-114.5 (1). ~~This extension becomes~~ THE EXTENSIONS AUTHORIZED IN THIS SUBSECTION (1)(b) BECOME null and void ninety days after the licensee renews his or her residency in the state or otherwise becomes able to comply with ~~the provisions of paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION. The department shall grant no more than one extension under this ~~paragraph (b)~~ SUBSECTION (1)(b) unless a resident of this state, OTHER THAN A RESIDENT WHO HAD BEEN ISSUED A LICENSE UNDER PART 5 OF THIS ARTICLE 2, is temporarily residing in a foreign country, in which case the department may grant no more than two ONE-YEAR extensions.

(1.3) (a) The department may, in its discretion, allow renewal of a driver's license issued under section 42-2-114 OR 42-2-505 by mail subject to the following requirements:

(II) Renewal by mail shall only be available every other driver's license renewal period as provided in section 42-2-114 (2)(a) and (3) OR 42-2-509 (1);

(1.5) (a) The department may, in its discretion, allow renewal of a driver's license issued under section 42-2-114 OR 42-2-505 by electronic means subject to the following requirements:

(II) A person may renew a driver's license electronically only for two consecutive driver's license renewal periods as provided in section 42-2-114 (2)(a) and (3) OR 42-2-509 (1);

SECTION 6. In Colorado Revised Statutes, 42-2-304, **amend** (1.5)(b), (1.7)(a) introductory portion, (1.8)(a) introductory portion, and (1.9)(a) introductory portion as follows:

42-2-304. Validity of identification card - rules. (1.5) (b) The department ~~may~~ SHALL not renew an identification card for a person if the person would not be eligible for an identification card pursuant to section 42-2-302 (2)(b) or (2)(c) OR 42-2-505.

(1.7) (a) If allowed under federal law, the department shall allow renewal of an identification card issued under section 42-2-302 OR 42-2-505 by mail subject to the following requirements:

(1.8) (a) The department shall allow an applicant to renew an identification card issued under section 42-2-302 OR 42-2-505 by electronic means if the applicant:

(1.9) (a) The department may allow an applicant to renew an identification card issued under section 42-2-302 OR 42-2-505 by electronic means if the applicant:

SECTION 7. In Colorado Revised Statutes, **amend** 42-2-305 as follows:

42-2-305. Lost, stolen, or destroyed cards. If an identification card is lost, destroyed, or mutilated or a new name is acquired, the registrant may obtain a new identification card upon furnishing satisfactory proof of such fact to the department. Any registrant who loses an identification card and who, after obtaining a new identification card, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a new identification card as for an original identification card. A new identification card issued pursuant to this section shall expire on the birthday of the registrant in the fifth year after the issuance of the new identification card; except that, if the registrant is under the age of twenty-one years at the time the application for the new identification card is made, the new identification card shall expire on the registrant's twenty-first birthday, OR IF ISSUED UNDER PART 5 OF THIS ARTICLE 2, THE IDENTIFICATION CARD EXPIRES AS PROVIDED IN SECTION 42-2-509 (1) OR ON THE TWENTY-FIRST BIRTHDAY OF THE APPLICANT AS SET BY RULE OF THE DEPARTMENT.

SECTION 8. Appropriation. (1) For the 2018-19 state fiscal year, \$108,992 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the licensing services cash fund created in section 42-2-114.5 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$44,446 for personal services related to driver services, which amount is based on an assumption that the department will require an additional 1.2 FTE; and

(b) \$64,546 for operating expenses related to driver services.

SECTION 9. Act subject to petition - effective date. This act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: May 29, 2018