

SB251_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB13-251 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

17 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 of article
18 2 of title 42 as follows:

PART 5

COLORADO ROAD AND COMMUNITY SAFETY ACT

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

23 **42-2-502. Legislative declaration.** THE PURPOSE OF THIS PART 5
24 IS TO AUTHORIZE AN INDIVIDUAL TO QUALIFY FOR A DRIVER'S LICENSE,
25 MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD
26 DESPITE THE INDIVIDUAL NOT BEING LAWFULLY PRESENT OR BEING
27 TEMPORARILY LAWFULLY PRESENT IN THE UNITED STATES. THIS PART 5
28 IS NOT INTENDED TO CHANGE ANY OTHER BASIC REQUIREMENTS OR
29 CONSEQUENCES OF HOLDING THE DOCUMENT UNDER ANY OTHER
30 PROVISION OF LAW. THE SUSPENSION OF DRIVING PRIVILEGES, THE RULES
31 OF THE ROAD, THE NEED TO PASS A DRIVING TEST, AND SIMILAR
32 PROVISIONS ARE NOT BE AFFECTED BY THIS PART 5.

33 **42-2-503. Definitions.** AS USED IN THIS PART 5, UNLESS THE
34 CONTEXT OTHERWISE REQUIRES:

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



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

4 **42-2-504. Applicability.** (1) **This part 5.** THIS PART 5 APPLIES TO
5 IDENTIFICATION DOCUMENTS FOR INDIVIDUALS WHO ARE NOT CITIZENS OF
6 THE UNITED STATES AND WHO DO NOT HAVE PERMANENT RESIDENCY
7 STATUS.

8 (2) **Other provisions.** PARTS 1 TO 4 OF THIS ARTICLE AND ARTICLE
9 7 OF THIS TITLE APPLY TO IDENTIFICATION DOCUMENTS ISSUED UNDER THIS
10 PART 5, BUT THIS PART 5 SUPERCEDES PARTS 1 TO 4 OF THIS ARTICLE AND
11 ARTICLE 7 OF THIS TITLE FOR IDENTIFICATION DOCUMENTS ISSUED IN
12 ACCORDANCE WITH THIS PART 5.

13 **42-2-505. Identification documents - individuals not lawfully**
14 **present.** (1) **Documents issued.** AN INDIVIDUAL WHO IS NOT LAWFULLY
15 PRESENT MAY APPLY FOR AN IDENTIFICATION DOCUMENT IN ACCORDANCE
16 WITH THIS PART 5. THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION
17 DOCUMENT TO AN APPLICANT WHO:

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

20 (b) PRESENTS PROOF OF RETURN FILING FOR THE IMMEDIATELY
21 PRECEDING YEAR;

22 (c) DOCUMENTS AN INDIVIDUAL TAXPAYER IDENTIFICATION
23 NUMBER ISSUED BY THE UNITED STATES INTERNAL REVENUE SERVICE;
24 AND

25 (d) PRESENTS ONE OF THE FOLLOWING FROM THE APPLICANT'S
26 COUNTRY OF ORIGIN:

27 (I) A PASSPORT;

28 (II) A CONSULAR IDENTIFICATION CARD; OR

29 (III) A MILITARY IDENTIFICATION DOCUMENT.

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

33 **42-2-506. Identification documents - individuals temporarily**
34 **lawfully present.** (1) AN INDIVIDUAL WHOSE AUTHORITY TO LAWFULLY
35 REMAIN WITHIN THE UNITED STATES IS TEMPORARY MAY APPLY FOR AN
36 IDENTIFICATION DOCUMENT UNDER THIS SECTION. THE DEPARTMENT
37 SHALL ISSUE AN IDENTIFICATION DOCUMENT IF:

38 (a) THE INDIVIDUAL:

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

41 (II) PRODUCES DOCUMENTS THAT SATISFY THE DEPARTMENT THAT



1 THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES; AND
2 (c) 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
28 IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5.

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

31 **24-72.1-103. Identity documents - verifiable.** (1) EXCEPT AS
32 PROVIDED IN PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S., a public entity that
33 provides services shall not accept, rely upon, or utilize an identification
34 document to provide services unless it is a secure and verifiable
35 document.

36 (2) EXCEPT AS PROVIDED IN PART 5 OF ARTICLE 2 OF TITLE 42,
37 C.R.S., a public entity that is issuing an identification card, license,
38 permit, or official document shall not authorize acceptance of an
39 identification document, nor shall a public official acting in an official
40 capacity accept an identification document before issuing such
41 documents, unless such identification document is a secure and verifiable

1 document.

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

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

9 (a) Produce:

10 (I) A valid Colorado driver's license or a Colorado identification
11 card issued pursuant to UNDER article 2 of title 42, C.R.S., UNLESS THE
12 APPLICANT HOLDS A LICENSE OR CARD ISSUED UNDER PART 5 OF ARTICLE
13 2 OF TITLE 42; or

14 **SECTION 6.** In Colorado Revised Statutes, 39-21-113, **amend**
15 (4) (b) as follows:

16 **39-21-113. Reports and returns - repeal - rule.**

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

27 (II) AN INDIVIDUAL OR HIS OR HER DULY AUTHORIZED
28 REPRESENTATIVE MAY ALSO REQUEST PROOF OF RETURN FILING FOR
29 PARTICULAR TAX YEARS. FOLLOWING REQUEST AND PAYMENT OF THE
30 APPLICABLE FEE, THE DEPARTMENT SHALL PROVIDE PROOF OF RETURN
31 FILING FOR A PERIOD FOR WHICH THE TAXPAYER HAS FILED A RETURN AND
32 REQUESTED PROOF OF RETURN FILING. THE DEPARTMENT SHALL INCLUDE
33 IN THE PROOF OF FILING:

34 (A) THE INDIVIDUAL'S NAME;

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

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

38 AND

39 (D) A STATEMENT AS TO WHETHER THE MOST RECENTLY FILED
40 RETURN WAS FILED AS A RESIDENT OF COLORADO, OR, IF A PART-YEAR
41 RESIDENT, THE DATE THE INDIVIDUAL ACQUIRED OR ABANDONED



1 RESIDENCY.

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

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

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

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