

Ballot Initiative 2017-2018 Summary

Colorado Secretary of State

The single subject of the proposed initiative is to improve the implementation of SB251 by allowing the social security card and/or an ITIN number in any Department of Revenue offices in Colorado that issues documents. Currently, a person who is not lawfully present in the United States may obtain an identification card, an instruction permit or a driver's license if certain requirements are met. One of the requirements is that the applicant presents a taxpayer identification card. The ballot initiative allows a social security number to meet this requirement, as well as to allow the license or identification card to be reissued or renewed in accordance with the process used other licenses and identification cards, the department shall issue an identification document to any applicant in any office through which the department issued driver's licenses, permits, identification, and there shall not be any limits to the number of identification documents issued.

1 *Be it Enacted by the People of the State of Colorado.*

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-505; **amend** (1)

3 introductory portion and (1) (c) and **add** (4) and (5) as follows:

4 *42-2-505. Identification documents - individuals not lawfully*

5 **present. (1) Documents issued.** An individual who is not lawfully

6 present IN THE UNITED STATES may apply for an identification document

7 in accordance with this part 5. The department shall issue an

8 identification document to an applicant who:

9 (c) (i) Documents an individual taxpayer identification number

10 issued by the United States internal revenue service; **AND OR**

11 (ii) **DOCUMENTS A SOCIAL SECURITY NUMBER ISSUED BY THE**

12 **UNITED STATES SOCIAL SECURITY ADMINISTRATION, WHICH**

13 **DOCUMENTATION MAY INCLUDE A SOCIAL SECURITY CARD OR ANY OTHER**

14 **DOCUMENTATION ACCEPTABLE TO THE DEPARTMENT AS PROVIDED BY**

15 **RULE IF THE FEDERAL GOVERNMENT CONFIRMS THE INDIVIDUAL'S SOCIAL**

16 **SECURITY NUMBER, INCLUDING ELECTRONIC CONFIRMATION THROUGH THE**

1 SOCIAL SECURITY ONLINE VERIFICATION SYSTEM COMMONLY KNOWN AS
2 SSOLV; AND

3 (4) THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION DOCUMENT TO ANY
4 APPLICANT IN ALL OFFICES THAT THE DEPARTMENT OPERATES ANYWHERE IN
5 COLORADO.

6 (5) THERE SHALL NOT BE ANY LIMITS TO THE NUMBER OF IDENTIFICATION
7 DOCUMENTS ISSUED WITHIN COLORADO.

8 **SECTION 2.** In Colorado Revised Statutes; amend 42-2-509
9 as follows:

10 **42-2-509. Renewal - duplicate - replacement - rule.**

11 **(1) Renewal.** An identification document issued under this part 5 expires
12 three years after issuance. The holder of the document must apply for
13 renewal in ACCORDANCE WITH SECTION 42-2-118 OR 42-2-304 to continue
14 to hold a valid identification document. TO RENEW THE IDENTIFICATION
15 DOCUMENT ISSUED TO A PERSON WHO IS NOT LAWFULLY PRESENT, THE
16 HOLDER MUST PRESENT THE IDENTIFICATION DOCUMENT AND PROVIDE
17 EVIDENCE OF CURRENT COLORADO RESIDENCY AS DETERMINED BY THE
18 DEPARTMENT BY RULE.

19 **(2) Duplicate permits and minor licenses - replacement**
20 **licenses.** IF AN IDENTIFICATION DOCUMENT ISSUED UNDER THIS PART 5 IS
21 LOST, STOLEN, OR DESTROYED, THE PERSON TO WHOM IT WAS ISSUED MAY
22 OBTAIN A DUPLICATE OR REPLACEMENT IN ACCORDANCE WITH SECTION
23 42-2-117 OR 42-2-305.

1 **SECTION 3.** In Colorado Revised Statutes, 42-2-117, amend

2 (1.5) as follows:

3 **42-2-117. Duplicate permits and minor licenses - replacement**

4 **licenses.** (1.5) Upon furnishing satisfactory proof to the department that
5 a driver's license issued under ~~the provisions of this article~~ ARTICLE 2 has
6 been lost, stolen, or destroyed, the person to whom ~~the same~~ IT was issued
7 ~~shall~~ MAY apply for renewal of the license pursuant to section 42-2-118.

8 The new driver's license ~~shall expire~~ EXPIRES as provided in section
9 42-2-114 OR 42-2-509 (1).

10 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, amend

11 (1)(a)(I), (1)(b)(I), (1.3)(a) introductory portion, (1.3)(a)(II), (1.5)(a)
12 introductory portion, and (1.5)(a)(II) as follows:

13 **42-2-118. Renewal of license in person or by mail - donations**

14 **to Emily Maureen Ellen Keyes – John W. Buckner organ and tissue donation awareness**

15 **fund - repeal.** (1) (a) (I) Every license issued under section 42-2-114
16 ~~shall be~~ OR 42-2-505 IS renewable prior to its expiration, upon application
17 in person, by mail as provided in subsection (1.3) of this section, or by
18 electronic means as provided in subsection (1.5) of this section; payment
19 of the required fee; passing of an eye test; passing of such other
20 examinations as the applicant's physical limitations or driver's record
21 indicates to be desirable; and payment of any penalty, assessment, fine,
22 cost, or forfeiture as prescribed by subsection (3) of this section. If a
23 person renews his or her license pursuant to this ~~subparagraph (I)~~
24 SUBSECTION (1)(a)(I) by electronic means, the person ~~shall~~ MUST attest

1 under penalty of perjury that he or she has had an eye examination by any
2 AN optometrist or an ophthalmologist within three years before the date
3 of application.

4 (b) (I) Any license referred to in section 42-2-114 OR 42-2-505
5 that, at the time of its expiration, is held by a resident of this state who is
6 temporarily outside of this state or is prevented by disability from
7 complying with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF
8 THIS SECTION may be extended for a period of one year if the licensee
9 applies to the department for an extension of the expiration date ~~prior to~~
10 BEFORE the date the license expires and pays a fee set by the department
11 in accordance with section 42-2-114.5 (2). The department shall transfer
12 the fee to the state treasurer, who shall credit it to the licensing services
13 cash fund created in section 42-2-114.5 (1). ~~This AN extension UNDER~~
14 THIS SUBSECTION (1)(b)(I) becomes null and void ninety days after the
15 licensee renews his or her residency in the state or otherwise becomes
16 able to comply with the provisions of ~~paragraph (a) of this subsection (1)~~
17 SUBSECTION (1)(a) OF THIS SECTION. The department shall NOT grant ~~no~~
18 more than one extension under this ~~paragraph (b)~~ SUBSECTION (1)(b)
19 unless a resident of this state is temporarily residing in a foreign country
20 in which case the department may grant no more than two extensions.

21 (1.3) (a) The department may, in its discretion, allow renewal of
22 a driver's license issued under section 42-2-114 OR 42-2-505 by mail
23 subject to the following requirements:

24 (II) Renewal by mail shall only be available every other driver's

1 license renewal period as provided in section 42-2-114 (2)(a) and (3) OR
2 42-2-509 (1);

3 (1.5) (a) The department may, in its discretion, allow renewal of
4 a driver's license issued under section 42-2-114 OR 42-2-505 by electronic
5 means subject to the following requirements:

6 (II) A person may renew a driver's license electronically only for
7 two consecutive driver's license renewal periods as provided in section
8 42-2-114 (2)(a) and (3) OR 42-2-509 (1);

9 **SECTION 5.** In Colorado Revised Statutes, 42-2-304, amend
10 (1.5)(b), (1.7)(a) introductory portion, (1.8)(a) introductory portion, and
11 (1.9)(a) introductory portion as follows:

12 **42-2-304. Validity of identification card - rules.** (1.5) (b) The
13 department ~~may~~ SHALL not renew an identification card for a person if the
14 person would not be eligible for an identification card pursuant to section
15 42-2-302 (2)(b) or (2)(c) OR 42-2-505.

16 (1.7) (a) If allowed under federal law, the department shall allow
17 renewal of an identification card issued under section 42-2-302 OR
18 42-2-505 by mail subject to the following requirements:

19 (1.8) (a) The department shall allow an applicant to renew an
20 identification card issued under section 42-2-302 OR 42-2-505 by
21 electronic means if the applicant:

22 (1.9) (a) The department may allow an applicant to renew an
23 identification card issued under section 42-2-302 OR 42-2-505 by
24 electronic means if the applicant:

1 **SECTION 6. Appropriation.** For the 2018-19 state fiscal year,
2 \$17,261,744 is appropriated to the department of revenue. This appropriation is
3 from the licensing services cash fund created in section 42-2-114.5 (1),
4 C.R.S. to implement this ballot initiative, the department may use this appropriation
5 for DMV IT system (DRIVES) with the limitation for the initiative #82 Support.
6 **SECTION 7. Effective date.** This ballot initiative takes effect upon passage.

Respectfully submitted,

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