

## Andrea Gyger

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**From:** Patricia Ramirez <pramirez@gidenver.org>  
**Sent:** Thursday, July 24, 2014 4:40 PM  
**To:** SoS Rulemaking  
**Cc:** daria.serna@state.co.us  
**Subject:** Help shape Notary Rules  
**Attachments:** NLPID.pdf

I have attached a new law that became effective June 2013. The law will be provide different type of licenses and identification cards. The id will have a photo only good for 3 years but will have a statement not to be used for federal use. Call the Department of Motor Vehicles for more information. A contact: [daria.serna@state.co.us](mailto:daria.serna@state.co.us).

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**1 CCR 204-16, Rule 6: Issuance of Colorado Identity Documents to Individuals  
Who Are Not Lawfully Present**

**DEPARTMENT OF REVENUE**

**DIVISION of MOTOR VEHICLES – Driver License Section  
RULES FOR THE APPLICATION OF A NOT LAWFULLY PRESENT  
DRIVER’S LICENSE (NLPDL) OR NOT LAWFULLY PRESENT  
IDENTIFICATION CARD (NLPID).**

**1 CCR 204-16, Rule 6**

**Basis, Purpose and Statutory: [Eff. 08/01/2014]**

The statutory basis for this regulation includes: CRS Title 24-4-103, 24-72.1-103, and Title 42 Parts 1, 2, 3, and 5.

Pursuant to CRS Title 42 Part 5, the Department is responsible for the process of issuing Colorado driver’s licenses and identification cards to applicants who are not lawfully present. The purpose of this regulation is to set forth guidelines for the application of identity documents under CRS Title 42 Part 5, and the types of documents that the Department will accept from an applicant to prove their identity, age, full name, and residency.

**1.0 Definitions [Eff. 08/01/2014]**

- 1.1 Age – The length of time in full years since a person’s date of birth.
- 1.2 Applicant – Any natural person applying to the Department for a Colorado identity document (driver’s license and identification card) that is not lawfully present in the United States.
- 1.3 Seal of Certification - The confirmation of certain characteristics of an object, person, or organization that is on the company letterhead from the translation entity.
- 1.4 Department – The Colorado Department of Revenue.
- 1.5 Document – An authentic, unaltered original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency.
- 1.6 Full Name – The applicant’s full name is the name on the applicant’s documents that is presented upon application.
- 1.7 Individual Tax Payer Identification Number (ITIN) – The United States processing tax numbers issued by the Internal Revenue Service to individuals who filed taxes but who do not possess or are not eligible for a Social Security Number.
- 1.8 Lawful Presence – Demonstration of citizenship in the United States or the lawful entry of an alien into the United States for an authorized period of time after inspection and authorization by an immigration officer.
- 1.9 License – A driver’s license, minor driver’s license, or instruction permit.

- 1.10 Proof of Return Filing – The Department shall confirm proof of individual Colorado State income tax filing for the preceding tax year.
- 1.11 Not Lawfully Present Driver’s License (NLPDL) – A license to operate a motor vehicle in the State of Colorado under Part 5 C.R.S. 42-2-505.
- 1.12 Not Lawfully Present Identification Card (NLPID) – A photo identification document used by the Department of Motor Vehicles or its equivalent under Part 5, C.R.S. 42-2-505 that contains the bearer’s full name and date of birth, but that does not confer upon the bearer the right to operate a motor vehicle.
- 1.13 Translator - A qualified translator is a person who routinely translates documents from another language into English as part of his or her work responsibilities.

**2.0 Non-Lawful Presence Applicants pursuant to C.R.S. 42-2-505.**

- 2.1 Applicants under this section will be required to meet all of the qualifications for the document which they are applying for except for the lawful presence requirement.
- 2.2 In place of the lawful presence requirement, in order to be issued an identity document by the Department, all applicants shall:
  - 2.2.1 Sign an affidavit developed by the Department that states that the applicant is currently a resident; present proof of return filing for the immediately preceding year; and present evidence of residence in Colorado; or
  - 2.2.2 Sign an affidavit developed by the Department that states that the applicant has continuously been a resident in Colorado for the immediately preceding twenty-four months; and present evidence of residence in Colorado for the immediately preceding twenty-four months
- 2.3 Applicants must provide documentation of their individual taxpayer identification number issued by the United States Internal Revenue Service which is subject to verification by the Department.
- 2.4 Applicants shall affirm in and sign an affidavit developed by the Department that the applicant has applied to be lawfully present within the United States or will apply to be lawfully present as soon as the applicant is eligible.
- 2.5 Pursuant to C.R.S. 42-2-505, the Department shall accept the following documents from the applicant’s country of origin;
  - 2.5.1 A passport;
  - 2.5.2 A consular identification card; or
  - 2.5.3 A military identification document
  - 2.5.4 Approved documents that have an expiration date listed shall be accepted 10 years from the expiration date. Approved documents without an expiration date shall be accepted 10 years from issuance date.

- 2.5.5 All documents provided to the Department shall have the applicant's full name, date of birth, date of issuance, country of issuance, and the applicant's photograph.
- 2.5.6 Upon application, if the applicant's identification document does not include the applicant's photograph, the applicant must present a government issued document containing a photo of the applicant.
- 2.6 Applicants shall sign their name, under penalty of perjury, all required affidavits and affirmations provided by the Department.
- 2.7 Pursuant to C.R.S. 42-2-505, should an applicant be unable to provide all documents required under such law, the applicant shall not be issued a NLPDL or NLPID by the Department.
- 2.8 All testing provided by the Department in support of applications (drive and written test) will be in English only.
- 2.9 Documents that are presented shall only be from a list of documents that have been approved by the Department and are subject to verification by the Department.

### **3.0 *Process for Translation***

- 3.1 All documents that are presented to the Department by the applicant shall be in "English character" or translated into "English character."
- 3.2 The original and corresponding translated documents shall be presented together at the time of application.
- 3.3 All translated documents shall be translated by an individual or entity that has previously registered with the Department.
- 3.4 A seal of certification from the translating individual or entity shall accompany the translated document.
- 3.5 The cost to translate the documents shall be the responsibility of the applicant.

### **4.0 *NLPDL and NLPID Fee Structure***

- 4.1 In addition to established driver license or identification card fees, the Department will charge an additional fee in the amount of \$27.38 for the issuance of a NLPDL license or NLPID.

### **5.0 *NLPDL and NLPID Renewal***

- 5.1 A NLPDL and NLPID expires 3 years after the date of issuance. The applicant must apply in person for a renewal to continue to hold a valid identification document.

### **6.0 *Fraudulent Documents and Fraud Attempts***

- 6.1 Any applicant suspected of fraud shall be referred to the Motor Vehicle Investigations Unit and/or the applicable law enforcement agency.