

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0645.02 Conrad Imel x2313

SENATE BILL 24-090

SENATE SPONSORSHIP

Will and Bridges,

HOUSE SPONSORSHIP

Bird and Evans, Soper

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING POSSESSION OF IDENTIFYING INFORMATION WHILE**
102 **DRIVING, AND, IN CONNECTION THEREWITH, REQUIRING A**
103 **DRIVER TO PROVIDE IDENTIFYING INFORMATION TO A PEACE**
104 **OFFICER UPON REQUEST.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, a driver must be in immediate possession of the driver's driver's license or instruction permit while driving. The bill allows a driver who is not in possession of the person's physical driver's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 23, 2024

license or permit to possess and present a digital license or permit instead.

Under existing law, it is a class A traffic infraction for a driver who is in possession of a driver's license, instruction permit, or identification card to refuse to provide that identification, upon request, to a peace officer who reasonably suspects the driver has violated a traffic law. The bill requires a person who has in the person's possession a digital driver's license or identification card (digital identification) to provide the digital identification, upon request, to a peace officer who reasonably suspects the driver has violated a traffic law. The bill makes it a class 2 misdemeanor traffic offense to refuse to provide a driver's license, instruction permit, identification card, or digital identification to a peace officer. The bill removes the specified penalty and surcharge for the traffic infraction.

The bill permits a driver who does not have the person's driver's or minor driver's license in the person's immediate possession to present to a requesting peace officer a digital driver's license or identification card as a form of personal identification.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (29.9)
3 as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
5 unless the context otherwise requires:

6 (28.9) "ELECTRONIC IDENTIFICATION CREDENTIAL" MEANS A
7 DEPARTMENT-APPROVED ELECTRONIC EXTENSION OF A PHYSICAL DRIVER'S
8 LICENSE, MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR
9 IDENTIFICATION CARD ISSUED BY THE DEPARTMENT PURSUANT TO ARTICLE
10 2 OF THIS TITLE 42.

11 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-1-204 as
12 follows:

13 **42-1-204. Uniform rules and regulations.** (1) The executive
14 director of the department has the power to make uniform rules and
15 regulations not inconsistent with ~~articles 1 to 4~~ THIS ARTICLE 1 AND
16 ARTICLES 2 TO 4 of this title TITLE 42 and to enforce the same.

1 (2) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES
2 REGARDING APPROVAL OF ELECTRONIC IDENTIFICATION CREDENTIALS BY
3 THE DEPARTMENT.

4 **SECTION 3.** In Colorado Revised Statutes, 42-2-101, **amend** (3)
5 and (5) as follows:

6 **42-2-101. Licenses for drivers required - penalty - definition.**

7 (3) ~~No~~ A person shall NOT drive any motor vehicle upon a highway in
8 this state unless ~~such~~ THE person has in ~~his or her~~ THE PERSON'S
9 immediate possession a current driver's or minor driver's license or an
10 instruction permit issued by the department under this ~~article~~ ARTICLE 2.

11 IF A PERSON IS NOT IN IMMEDIATE POSSESSION OF THE PERSON'S PHYSICAL
12 DRIVER'S OR MINOR DRIVER'S LICENSE OR INSTRUCTION PERMIT, THE
13 PERSON DOES NOT VIOLATE THIS SUBSECTION (3) IF THE PERSON IS IN
14 POSSESSION OF, AND PRESENTS TO A PEACE OFFICER, AN ELECTRONIC
15 IDENTIFICATION CREDENTIAL THAT IS AN EXTENSION OF THE PERSON'S
16 DRIVER'S OR MINOR DRIVER'S LICENSE OR AN INSTRUCTION PERMIT.

17 (5) ~~No~~ A person who has been issued a currently valid driver's or
18 minor driver's license or an instruction permit shall NOT operate a motor
19 vehicle upon a highway in this state without having ~~such~~ THE license or
20 permit in ~~such~~ THE person's immediate possession. IF A PERSON IS NOT IN
21 IMMEDIATE POSSESSION OF THE PERSON'S PHYSICAL DRIVER'S OR MINOR
22 DRIVER'S LICENSE OR INSTRUCTION PERMIT, THE PERSON DOES NOT
23 VIOLATE THIS SUBSECTION (5) IF THE PERSON IS IN POSSESSION OF, AND
24 PRESENTS TO A PEACE OFFICER, AN ELECTRONIC IDENTIFICATION
25 CREDENTIAL THAT IS AN EXTENSION OF THE PERSON'S DRIVER'S OR MINOR
26 DRIVER'S LICENSE OR AN INSTRUCTION PERMIT.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 42-2-115 as

1 follows:

2 **42-2-115. License, permit, or identification card to be**
3 **exhibited on demand - failure to provide identifying information -**
4 **penalty - definition.** (1) No person who has been issued a driver's or
5 minor driver's license or an instruction permit or an identification card as
6 defined in section 42-2-301 (2), who operates a motor vehicle in this
7 state, and who has ~~such~~ THE license, permit, or identification card, OR AN
8 ELECTRONIC IDENTIFICATION CREDENTIAL THAT IS AN EXTENSION OF THE
9 SAME in ~~such~~ THE person's immediate possession shall refuse to remove
10 ~~such~~ THE license, permit, ~~or~~ identification card, OR ELECTRONIC
11 IDENTIFICATION CREDENTIAL from any billfold, purse, cover, or other
12 container and to hand OR PRESENT the same to any peace officer who has
13 requested ~~such~~ THE person to do so if ~~such~~ THE peace officer reasonably
14 suspects that ~~such~~ THE person is committing, has committed, or is about
15 to commit a violation of article 2, 3, 4, 5, 6, 7, or 8 of this ~~title~~ TITLE 42.
16 A PERSON WHO IS IN POSSESSION OF AND PRESENTS AN ELECTRONIC
17 IDENTIFICATION CREDENTIAL THAT IS AN EXTENSION OF THE PERSON'S
18 DRIVER'S LICENSE OR DIGITAL DRIVER'S LICENSE ISSUED PURSUANT TO THIS
19 ARTICLE 2 IS IN POSSESSION OF A DRIVER'S LICENSE FOR THE PURPOSE OF
20 SECTION 42-2-101 (3) AND (5).

21 (2) Any person who violates ~~any provision~~ SUBSECTION (1) of this
22 section commits a class A traffic infraction.

23 (3) (a) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
24 WHO DOES NOT HAVE THE PERSON'S DRIVER'S OR MINOR DRIVER'S LICENSE,
25 INSTRUCTION PERMIT, OR IDENTIFICATION CARD, OR AN ELECTRONIC
26 IDENTIFICATION CREDENTIAL THAT IS AN EXTENSION OF THE SAME, IN THE
27 PERSON'S IMMEDIATE POSSESSION SHALL, UPON REQUEST OF A PEACE

1 OFFICER, PROVIDE PERSONALLY IDENTIFYING INFORMATION TO THE PEACE
2 OFFICER.

3 (b) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
4 WHO HAS THE PERSON'S DRIVER'S OR MINOR DRIVER'S LICENSE,
5 INSTRUCTION PERMIT, OR IDENTIFICATION CARD, OR AN ELECTRONIC
6 IDENTIFICATION CREDENTIAL THAT IS AN EXTENSION OF THE SAME, IN THE
7 PERSON'S IMMEDIATE POSSESSION BUT REFUSES TO PRESENT IT TO A PEACE
8 OFFICER SHALL, UPON REQUEST OF THE PEACE OFFICER, PROVIDE
9 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER.

10 (c) A PERSON WHO VIOLATES SUBSECTION (3)(a) OR (3)(b) OF THIS
11 SECTION COMMITS FAILURE TO PROVIDE IDENTIFYING INFORMATION TO A
12 PEACE OFFICER BY A DRIVER.

13 (d) FAILURE TO PROVIDE IDENTIFYING INFORMATION TO A PEACE
14 OFFICER BY A DRIVER IS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

15 (e) A PEACE OFFICER SHALL ISSUE A WRITTEN NOTICE OR SUMMONS
16 TO APPEAR IN COURT, AS PROVIDED IN SECTION 42-4-1707, TO A PERSON
17 FOR A VIOLATION OF THIS SUBSECTION (3). A PEACE OFFICER SHALL NOT
18 ARREST A PERSON FOR A VIOLATION OF THIS SUBSECTION (3), BUT MAY
19 DETAIN THE PERSON TO ASCERTAIN THE PERSON'S IDENTITY. A PEACE
20 OFFICER SHALL NOT DETAIN THE PERSON LONGER THAN REASONABLY
21 NECESSARY TO ASCERTAIN THE PERSON'S IDENTITY.

22 (4) IF A PEACE OFFICER ASKS A DRIVER FOR PERSONALLY
23 IDENTIFYING INFORMATION AND THERE ARE PASSENGERS IN THE DRIVER'S
24 VEHICLE, THE DRIVER MAY REQUEST TO EXIT THE VEHICLE TO PROVIDE THE
25 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER AWAY
26 FROM THE PASSENGERS.

27 (5) AS USED IN THIS SECTION, "PERSONALLY IDENTIFYING

1 INFORMATION" INCLUDES ANY OF THE FOLLOWING:

2 (a) A PASSPORT;

3 (b) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY
4 ANOTHER STATE OR COUNTRY;

5 (c) THE PERSON'S NAME AND BIRTH DATE; OR

6 (d) ANY OTHER IDENTIFYING INFORMATION AS PART OF A
7 REASONABLE ATTEMPT TO COMMUNICATE THE PERSON'S IDENTITY TO A
8 PEACE OFFICER.

9 **SECTION 5.** In Colorado Revised Statutes, 42-4-1701, **amend**
10 (4)(a)(I)(A) as follows:

11 **42-4-1701. Traffic offenses and infractions classified -**
12 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
13 as provided in subsection (5)(c) of this section, every person who is
14 convicted of, who admits liability for, or against whom a judgment is
15 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
16 of this section applies shall be fined or penalized and have a surcharge
17 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
18 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
19 in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty
20 or surcharge is specified in the schedule, the penalty for class A and class
21 B traffic infractions is fifteen dollars and the surcharge is four dollars.
22 These penalties and surcharges apply whether the defendant
23 acknowledges the defendant's guilt or liability in accordance with the
24 procedure set forth by subsection (5)(a) of this section, is found guilty by
25 a court of competent jurisdiction, or has judgment entered against the
26 defendant by a county court magistrate. Penalties and surcharges for
27 violating specific sections are as follows:

1	Section Violated	Penalty	Surcharge
2	(A) Drivers' license violations:		
3	42-2-101	\$ 35.00	\$ 10.00
4	42-2-101 (2), (3), or (5)	15.00	6.00
5	42-2-103	15.00	6.00
6	42-2-105	70.00	10.00
7	42-2-105.5 (4)	65.00	10.00
8	42-2-106	70.00	10.00
9	42-2-115	35.00	10.00
10	42-2-116 (6)(a)	30.00	6.00
11	42-2-119	15.00	6.00
12	42-2-134	35.00	10.00
13	42-2-136	35.00	10.00
14	42-2-138	100.00	15.00
15	42-2-139	35.00	10.00
16	42-2-140	35.00	10.00
17	42-2-141	35.00	10.00
18	42-2-204	70.00	10.00
19	42-2-404	100.00	15.00

20 **SECTION 6. Effective date - applicability.** This act takes effect
21 **March 31, 2025, and applies to offenses committed on or after said date.**

22 **SECTION 7. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.