

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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, 42-2-101, **amend** (3)
3 and (5) as follows:

4 **42-2-101. Licenses for drivers required - penalty - definition.**

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

9 IF A PERSON IS NOT IN IMMEDIATE POSSESSION OF THE PERSON'S PHYSICAL
10 DRIVER'S OR MINOR DRIVER'S LICENSE OR INSTRUCTION PERMIT, THE
11 PERSON DOES NOT VIOLATE THIS SUBSECTION (3) IF THE PERSON IS IN
12 POSSESSION OF, AND PRESENTS TO A PEACE OFFICER, A VALID DRIVER'S OR
13 MINOR DRIVER'S LICENSE OR AN INSTRUCTION PERMIT IN A DIGITAL
14 FORMAT ISSUED PURSUANT TO THIS ARTICLE 2.

15 (5) ~~No~~ A person who has been issued a currently valid driver's or
16 minor driver's license or an instruction permit shall NOT operate a motor

1 vehicle upon a highway in this state without having ~~such~~ THE license or
2 permit in ~~such~~ THE person's immediate possession. IF A PERSON IS NOT IN
3 IMMEDIATE POSSESSION OF THE PERSON'S PHYSICAL DRIVER'S OR MINOR
4 DRIVER'S LICENSE OR INSTRUCTION PERMIT, THE PERSON DOES NOT
5 VIOLATE THIS SUBSECTION (5) IF THE PERSON IS IN POSSESSION OF, AND
6 PRESENTS TO A PEACE OFFICER, A VALID DRIVER'S OR MINOR DRIVER'S
7 LICENSE OR AN INSTRUCTION PERMIT IN A DIGITAL FORMAT ISSUED
8 PURSUANT TO THIS ARTICLE 2.

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-2-115 as
10 follows:

11 **42-2-115. License, permit, or identification card to be**
12 **exhibited on demand - failure to provide identifying information -**
13 **penalty - definition.** (1) No person who has been issued a driver's or
14 minor driver's license or an instruction permit or an identification card as
15 defined in section 42-2-301 (2), who operates a motor vehicle in this
16 state, and who has ~~such~~ THE license, permit, or identification card, OR A
17 DIGITAL DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED PURSUANT TO
18 THIS ARTICLE 2, in ~~such~~ THE person's immediate possession shall refuse
19 to remove ~~such~~ THE license, permit, ~~or~~ identification card, OR DIGITAL
20 DRIVER'S LICENSE OR IDENTIFICATION CARD from any billfold, purse,
21 cover, or other container and to hand OR PRESENT the same to any peace
22 officer who has requested ~~such~~ THE person to do so if ~~such~~ THE peace
23 officer reasonably suspects that ~~such~~ THE person is committing, has
24 committed, or is about to commit a violation of article 2, 3, 4, 5, 6, 7, or
25 8 of this ~~title~~ TITLE 42. A PERSON WHO IS IN POSSESSION OF AND PRESENTS
26 A DRIVER'S LICENSE OR DIGITAL DRIVER'S LICENSE ISSUED PURSUANT TO
27 THIS ARTICLE 2 IS IN POSSESSION OF A DRIVER'S LICENSE FOR THE PURPOSE

1 OF SECTION 42-2-101 (3) AND (5).

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

4 (3) (a) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
5 WHO DOES NOT HAVE THE PERSON'S PHYSICAL OR DIGITAL DRIVER'S OR
6 MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD
7 IN THE PERSON'S IMMEDIATE POSSESSION SHALL, UPON REQUEST OF A
8 PEACE OFFICER, PROVIDE PERSONALLY IDENTIFYING INFORMATION TO THE
9 PEACE OFFICER.

10 (b) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
11 WHO HAS THE PERSON'S PHYSICAL OR DIGITAL DRIVER'S OR MINOR
12 DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD IN THE
13 PERSON'S IMMEDIATE POSSESSION BUT REFUSES TO PRESENT IT TO A PEACE
14 OFFICER SHALL, UPON REQUEST OF THE PEACE OFFICER, PROVIDE
15 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER.

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

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

21 (e) A PEACE OFFICER SHALL ISSUE A WRITTEN NOTICE OR SUMMONS
22 TO APPEAR IN COURT, AS PROVIDED IN SECTION 42-4-1707, TO A PERSON
23 FOR A VIOLATION OF THIS SUBSECTION (3). A PEACE OFFICER SHALL NOT
24 ARREST A PERSON FOR A VIOLATION OF THIS SUBSECTION (3), BUT MAY
25 DETAIN THE PERSON TO ASCERTAIN THE PERSON'S IDENTITY. A PEACE
26 OFFICER SHALL NOT DETAIN THE PERSON LONGER THAN REASONABLY
27 NECESSARY TO ASCERTAIN THE PERSON'S IDENTITY.

1 (4) IF A PEACE OFFICER ASKS A DRIVER FOR PERSONALLY
2 IDENTIFYING INFORMATION AND THERE ARE PASSENGERS IN THE DRIVER'S
3 VEHICLE, THE DRIVER MAY REQUEST TO EXIT THE VEHICLE TO PROVIDE THE
4 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER AWAY
5 FROM THE PASSENGERS.

6 (5) AS USED IN THIS SECTION, "PERSONALLY IDENTIFYING
7 INFORMATION" INCLUDES ANY OF THE FOLLOWING:

8 (a) A PASSPORT;

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

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

12 (d) ANY OTHER IDENTIFYING INFORMATION AS PART OF A
13 REASONABLE ATTEMPT TO COMMUNICATE THE PERSON'S IDENTITY TO A
14 PEACE OFFICER.

15 **SECTION 3.** In Colorado Revised Statutes, 42-4-1701, **amend**
16 (4)(a)(I)(A) as follows:

17 **42-4-1701. Traffic offenses and infractions classified -**
18 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
19 as provided in subsection (5)(c) of this section, every person who is
20 convicted of, who admits liability for, or against whom a judgment is
21 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
22 of this section applies shall be fined or penalized and have a surcharge
23 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
24 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
25 in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty
26 or surcharge is specified in the schedule, the penalty for class A and class
27 B traffic infractions is fifteen dollars and the surcharge is four dollars.

1 These penalties and surcharges apply whether the defendant
 2 acknowledges the defendant's guilt or liability in accordance with the
 3 procedure set forth by subsection (5)(a) of this section, is found guilty by
 4 a court of competent jurisdiction, or has judgment entered against the
 5 defendant by a county court magistrate. Penalties and surcharges for
 6 violating specific sections are as follows:

7	Section Violated	Penalty	Surcharge
8	(A) Drivers' license violations:		
9	42-2-101	\$ 35.00	\$ 10.00
10	42-2-101 (2), (3), or (5)	15.00	6.00
11	42-2-103	15.00	6.00
12	42-2-105	70.00	10.00
13	42-2-105.5 (4)	65.00	10.00
14	42-2-106	70.00	10.00
15	42-2-115	35.00	10.00
16	42-2-116 (6)(a)	30.00	6.00
17	42-2-119	15.00	6.00
18	42-2-134	35.00	10.00
19	42-2-136	35.00	10.00
20	42-2-138	100.00	15.00
21	42-2-139	35.00	10.00
22	42-2-140	35.00	10.00
23	42-2-141	35.00	10.00
24	42-2-204	70.00	10.00
25	42-2-404	100.00	15.00

26 **SECTION 4. Applicability.** This act applies to offenses
 27 committed on or after the effective date of this act.

1 **SECTION 5. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions.