

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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, INCREASING THE
103 PENALTY FOR A DRIVER WHO REFUSES TO PROVIDE TO A PEACE
104 OFFICER IDENTIFYING INFORMATION THAT IS IN THE DRIVER'S
105 POSSESSION.

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

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.

allows a driver who is not in possession of the person's physical driver's 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

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

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

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

1 OF A DRIVER'S LICENSE FOR THE PURPOSE OF SECTION 42-2-101 (3) AND
2 (5).

3 (2) Any person who violates any provision of this section commits
4 a ~~class A traffic infraction~~ CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

5 (3) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
6 AND DOES NOT HAVE THE PERSON'S DRIVER'S OR MINOR DRIVER'S LICENSE
7 IN THE PERSON'S IMMEDIATE POSSESSION MAY PRESENT TO A REQUESTING
8 PEACE OFFICER A DIGITAL DRIVER'S LICENSE OR IDENTIFICATION CARD
9 ISSUED PURSUANT TO THIS ARTICLE 2 AS A FORM OF PERSONAL
10 IDENTIFICATION.

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

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

1 defendant by a county court magistrate. Penalties and surcharges for
 2 violating specific sections are as follows:

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

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

24 **SECTION 5. Safety clause.** The general assembly finds,
 25 determines, and declares that this act is necessary for the immediate
 26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.