

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0100.02 Jery Payne x2157

SENATE BILL 21-040

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF A PERSON'S DRIVER'S HISTORY RECORD TO**
102 **MAKE DECISIONS THAT CONCERN THE PRACTICE OF AN**
103 **OCCUPATION.**

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>.)

The bill limits the time the appropriate regulatory authority in the department of revenue and the department of regulatory agencies may use a driver's history to make certain decisions about a license, permit, certification, or registration that is necessary to practice an occupation or profession or to operate a business.

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

The decisions that are limited by the bill concern:

- Issuing, renewing, reinstating, or reactivating the license, permit, certification, or registration; and
- Taking disciplinary action against the holder of the license, permit, certification, or registration.

The events in a driver's history used to make these decisions may be used only if the event occurred within 3 years before:

- The person applied for the license, permit, certification, or registration; or
- The act upon which the discipline is based.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-20-102, **add** (7.5)
3 as follows:

4 **12-20-102. Definitions.** As used in this title 12, unless the context
5 otherwise requires:

6 (7.5) "DRIVER'S HISTORY" MEANS A DRIVER'S HISTORY RECORD
7 MADE AND MAINTAINED IN ACCORDANCE WITH SECTION 42-2-121 (2).

8 **SECTION 2.** In Colorado Revised Statutes, 12-20-202, **add** (5.5)
9 as follows:

10 **12-20-202. Licenses, certifications, and registrations - renewal**
11 **- reinstatement - fees - occupational credential portability program**
12 **- temporary authority for military spouses - definitions - exceptions**
13 **for military personnel - rules - consideration of criminal convictions**
14 **or driver's history - executive director authority. (5.5) Driver's**
15 **history.** A REGULATOR SHALL NOT CONSIDER AN EVENT IN AN
16 APPLICANT'S DRIVER'S HISTORY WHEN DETERMINING WHETHER TO ISSUE
17 TO THE APPLICANT A NEW, RENEWAL, REACTIVATED, OR REINSTATED
18 LICENSE, CERTIFICATION, OR REGISTRATION UNLESS THE EVENT OCCURRED
19 WITHIN THREE YEARS BEFORE THE DATE THAT THE APPLICANT SUBMITTED
20 THE APPLICATION TO THE REGULATOR.

1 **SECTION 3.** In Colorado Revised Statutes, 12-20-403, **add** (4)
2 as follows:

3 **12-20-403. Disciplinary procedures - investigations - hearings**
4 **- oaths - witness statements - subpoenas - appointment of**
5 **administrative law judge - driver's history.** (4) (a) UNLESS A DRIVER'S
6 HISTORY EVENT OCCURRED WITHIN THE LAST THREE YEARS AS
7 DETERMINED BY SUBSECTION (4)(b) OF THIS SECTION, A REGULATOR
8 SHALL NOT CONSIDER THE EVENT WITHIN THE DRIVER'S HISTORY OF A
9 LICENSEE, CERTIFICANT, OR REGISTRANT WHEN DETERMINING:

- 10 (I) WHETHER TO IMPOSE DISCIPLINE;
11 (II) THE TYPE OF DISCIPLINE TO IMPOSE; OR
12 (III) THE SEVERITY OF DISCIPLINE TO IMPOSE.

13 (b) THE THREE-YEAR LIMIT THAT APPLIES TO DECISIONS LISTED IN
14 SUBSECTION (4)(a) OF THIS SECTION IS MEASURED FROM THE DATE THAT
15 THE EVENT IN THE DRIVER'S HISTORY OCCURRED TO THE DATE OF THE ACT
16 UPON OR THE LAST ACT IN A SERIES OF ACTS UPON WHICH THE DISCIPLINE
17 IS BASED.

18 **SECTION 4.** In Colorado Revised Statutes, 44-1-103, **add** (1.5)
19 as follows:

20 **44-1-103. Definitions.** As used in this title 44, unless the context
21 otherwise requires:

22 (1.5) "DRIVER'S HISTORY" MEANS A DRIVER'S HISTORY RECORD
23 MADE AND MAINTAINED IN ACCORDANCE WITH SECTION 42-2-121 (2).

24 **SECTION 5.** In Colorado Revised Statutes, **add** 44-1-104 as
25 follows:

26 **44-1-104. Use of driver's history for professional licensing,**
27 **permit, or registration decisions.** (1) WHEN A PERSON APPLIES FOR A

1 LICENSE, PERMIT, OR REGISTRATION UNDER THIS TITLE 44, THE
2 DEPARTMENT SHALL NOT CONSIDER AN EVENT IN THE APPLICANT'S
3 DRIVER'S HISTORY WHEN DETERMINING WHETHER TO ISSUE TO THE
4 APPLICANT A NEW, RENEWAL, OR REINSTATED LICENSE, PERMIT, OR
5 REGISTRATION UNLESS THE EVENT OCCURRED WITHIN THREE YEARS
6 BEFORE THE DATE THAT THE APPLICANT SUBMITTED THE APPLICATION TO
7 THE DEPARTMENT.

8 (2) (a) UNLESS AN EVENT OCCURRED WITHIN THE LAST THREE
9 YEARS AS DETERMINED BY SUBSECTION (2)(b) OF THIS SECTION, THE
10 DEPARTMENT SHALL NOT CONSIDER THE EVENT WITHIN THE DRIVER'S
11 HISTORY OF A LICENSE HOLDER, PERMIT HOLDER, OR REGISTRANT WHEN
12 DETERMINING:

- 13 (I) WHETHER TO IMPOSE DISCIPLINE;
- 14 (II) THE TYPE OF DISCIPLINE TO IMPOSE; OR
- 15 (III) THE SEVERITY OF DISCIPLINE TO IMPOSE.

16 (b) THE THREE-YEAR LIMIT THAT APPLIES TO DECISIONS LISTED IN
17 SUBSECTION (2)(a) OF THIS SECTION IS MEASURED FROM THE DATE THAT
18 THE EVENT IN THE DRIVER'S HISTORY OCCURRED TO THE DATE OF THE ACT
19 UPON OR THE LAST ACT IN A SERIES OF ACTS UPON WHICH THE DISCIPLINE
20 IS BASED.

21 **SECTION 6. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.