

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB21-159 be amended as follows:

1 Amend printed bill, page 4, after line 16 insert:

2 **"SECTION 2.** In Colorado Revised Statutes, 24-72-204, **amend**
3 (7)(b) as follows:

4 **24-72-204. Allowance or denial of inspection - grounds -**
5 **procedure - appeal - definitions - repeal.** (7) (b) Notwithstanding
6 subsection (7)(a) of this section, only upon obtaining a completed
7 requester release form under section 42-1-206 (1)(b), the department may
8 allow inspection of the information referred to in subsection (7)(a) of this
9 section for the following uses:

10 (I) For use by ~~any government agency, including any court or law~~
11 enforcement agency in carrying out its functions; ~~or any private person or~~
12 ~~entity acting on behalf of a federal, state, or local agency in carrying out~~
13 ~~its functions;~~ AND

14 (II) For use in connection with matters of motor vehicle or driver
15 safety and theft; motor vehicle emissions; motor vehicle product
16 alterations, recalls, or advisories; performance monitoring of motor
17 vehicles ~~motor vehicle parts~~ and dealers BY MOTOR VEHICLE
18 MANUFACTURERS; ~~motor vehicle market research activities, including~~
19 ~~survey research;~~ and removal of non-owner records from the original
20 owner records of motor vehicle manufacturers TO CARRY OUT THE
21 PURPOSES OF TITLES I AND IV OF THE FEDERAL "ANTI CAR THEFT ACT OF
22 1992", PUB.L. 102-519, AS AMENDED; THE FEDERAL "AUTOMOBILE
23 INFORMATION DISCLOSURE ACT", 15 U.S.C. SEC 1231 ET SEQ., AS
24 AMENDED; THE FEDERAL "CLEAN AIR ACT", 42 U.S.C. SEC. 7401 ET SEQ.,
25 AS AMENDED; AND CHAPTERS 301, 305, AND 321 TO 331 OF TITLE 49 OF
26 THE UNITED STATES CODE.

27 (III) For use in the normal course of business by a legitimate
28 business or its agents, employees, or contractors, but only:

29 (A) To verify the accuracy of personal information submitted by
30 the individual to the business or its agents, employees, or contractors; and

31 (B) If such information as so submitted is not correct or is no
32 longer correct, to obtain the correct information, but only for the purposes
33 of preventing fraud by, pursuing legal remedies against, or recovering on
34 a debt or security interest against, the individual;

35 (IV) For use in connection with any civil, criminal, administrative,
36 or arbitral proceeding in any federal, state, or local court or agency or
37 before any self-regulatory body, including the service of process,
38 investigation in anticipation of litigation, and the execution or
39 enforcement of judgments and orders, or pursuant to an order of a federal,
40 state, or local court;

1 (FV) For use in research activities, and for use in producing
2 statistical reports, so long as the personal information is not published,
3 redislosed, or used to contact the parties in interest;

4 (FVI) For use by any insurer or insurance support organization, or
5 by a self-insured entity, or its agents, employees, or contractors, in
6 connection with claims investigation activities, anti-fraud activities, rating
7 or underwriting;

8 (FVII) For use in providing notice to the owners of towed or
9 impounded vehicles;

10 (FVIII) For use by any private investigator licensed pursuant to
11 section 12-160-107, licensed private investigative agency, or licensed
12 security service for any purpose permitted under this subsection (7)(b);

13 (FIX) For use by an employer or its agent or insurer to obtain or
14 verify information relating to a party in interest who is a holder of a
15 commercial driver's license;

16 (FX) For use in connection with the operation of private toll
17 transportation facilities;

18 (FXI) For any other use in response to requests for individual motor
19 vehicle records if the department has obtained the express consent of the
20 party in interest pursuant to section 42-2-121 (4), C.R.S.;

21 (FXII) For bulk distribution for surveys, marketing or solicitations
22 if the department has obtained the express consent of the party in interest
23 pursuant to section 42-2-121 (4), C.R.S.;

24 (FXIII) For use by any requester, if the requester demonstrates he
25 or she has obtained the written consent of the party in interest;

26 (FXIV) For any other use specifically authorized under the laws of
27 the state, if such use is related to the operation of a motor vehicle or
28 public safety; or

29 (FXV) For use by the federally designated organ procurement
30 organization for the purposes of creating and maintaining the organ and
31 tissue donor registry authorized in section 15-19-220.

32 **SECTION 3.** In Colorado Revised Statutes, 42-2-121, **amend**
33 (4)(a); and **repeal** (4)(b) introductory portion, (4)(c), and (4)(d) as
34 follows:

35 **42-2-121. Records to be kept by department - admission of**
36 **records in court.** (4) (a) The department shall place a confidentiality
37 notice on any driver's license application form under section 42-2-107,
38 driver's license renewal application under section 42-2-118, duplicate
39 driver's license application under section 42-2-117, commercial driver's
40 license application under section 42-2-404, identification card application
41 form under section 42-2-302, motor vehicle title application form under
42 section 42-6-116, or motor vehicle registration application form under
43 section 42-3-113. The department shall indicate in such notice that unless

1 the person waives his or her confidentiality, the information contained in
2 the person's motor vehicle or driver record shall not be used for any
3 purpose other than a purpose authorized by law.

4 (b) The department shall prepare a confidentiality waiver form
5 and shall provide the form to the designated agents of the department.
6 The department and the designated agents shall make such form available
7 to any person on request. The department and the designated agents shall
8 be the sole distributors of such form. The form shall contain instructions
9 for filing the form with the department.

10 (c) Any person executing a waiver under this subsection (4) that
11 information in motor vehicle or driver records may be used for any
12 purpose shall provide the information requested by the department in the
13 confidentiality waiver form and file the form directly with the department.
14 The department shall process such forms and shall notify the designated
15 agents regarding which motor vehicle and driver records are subject to
16 confidentiality waivers.

17 (d) A confidentiality waiver expires upon a request by the person
18 to rescind the confidentiality waiver or upon the renewal of the motor
19 vehicle or driver record, except that a confidentiality waiver form filed in
20 connection with a motor vehicle registration application shall remain in
21 force until the motor vehicle is transferred or the person requests that the
22 confidentiality waiver be rescinded.".

23 Renumber succeeding section accordingly.

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