

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB19-1166 be amended as follows:

1 Amend printed bill, page 53, after line 26 insert:

2 **"SECTION 68.** In Colorado Revised Statutes, 12-10-203, **amend**
3 **as relocated by House Bill 19-1172** (1)(b)(I) as follows:

4 **12-10-203. Application for license - rules - definition.**

5 (1) (b) (I) Prior to submitting an application for a license pursuant to
6 subsection (1)(a) of this section, each applicant shall submit a set of
7 fingerprints to the Colorado bureau of investigation for the purpose of
8 conducting a state and national fingerprint-based criminal history record
9 check utilizing records of the Colorado bureau of investigation and the
10 federal bureau of investigation. The applicant shall pay the fee established
11 by the Colorado bureau of investigation for conducting the
12 fingerprint-based criminal history record check to the bureau. Upon
13 completion of the criminal history record check, the bureau shall forward
14 the results to the commission. The commission ~~may~~ SHALL acquire a
15 name-based criminal history record check, AS DEFINED IN SECTION
16 22-2-119.3 (6)(d), for an applicant who has twice submitted to a
17 fingerprint-based criminal history record check and whose fingerprints
18 are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED
19 CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED
20 PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD OF ARREST
21 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS
22 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

23 **SECTION 69.** In Colorado Revised Statutes, 12-10-606, **amend**
24 **as relocated by House Bill 19-1172** (6)(a) as follows:

25 **12-10-606. Qualifications for licensing and certification of**
26 **appraisers - continuing education - definitions - rules.** (6) (a) The
27 board shall not issue a license or certification until the applicant
28 demonstrates that he or she meets the fitness standards established by
29 board rule and submits a set of fingerprints to the Colorado bureau of
30 investigation for the purpose of conducting a state and national
31 fingerprint-based criminal history record check utilizing records of the
32 Colorado bureau of investigation and the federal bureau of investigation.
33 Each person submitting a set of fingerprints shall pay the fee established
34 by the Colorado bureau of investigation for conducting the
35 fingerprint-based criminal history record check to the bureau. Upon
36 completion of the criminal history record check, the bureau shall forward
37 the results to the board. The board ~~may~~ SHALL require a name-based
38 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),
39 for an applicant who has twice submitted to a fingerprint-based criminal
40 history record check and whose fingerprints are unclassifiable OR WHEN

1 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
2 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL
3 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY
4 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
5 CHECK. The board may deny an application for licensure or certification
6 based on the outcome of the criminal history record check and may
7 establish criminal history requirements more stringent than those
8 established by any applicable federal law. At a minimum, the board shall
9 adopt the criminal history requirements established by any applicable
10 federal law.

11 **SECTION 70.** In Colorado Revised Statutes, 12-10-607, **amend**
12 **as relocated by House Bill 19-1172** (3) as follows:

13 **12-10-607. Appraisal management companies - application for**
14 **license - exemptions.** (3) The board shall not issue a license to any
15 partnership, limited liability company, or corporation unless and until the
16 appraiser designated by the partnership, limited liability company, or
17 corporation as controlling appraiser and each individual who owns more
18 than ten percent of the entity demonstrates that he or she meets the fitness
19 standards established by board rule and submits a set of fingerprints to the
20 Colorado bureau of investigation for the purpose of conducting a state
21 and national fingerprint-based criminal history record check utilizing
22 records of the Colorado bureau of investigation and the federal bureau of
23 investigation. Each person submitting a set of fingerprints shall pay the
24 fee established by the Colorado bureau of investigation for conducting the
25 fingerprint-based criminal history record check to the bureau. Upon
26 completion of the criminal history record check, the bureau shall forward
27 the results to the board. The board ~~may~~ SHALL require a name-based
28 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),
29 for an applicant who has twice submitted to a fingerprint-based criminal
30 history record check and whose fingerprints are unclassifiable OR WHEN
31 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
32 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
33 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY
34 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
35 CHECK. The board may deny an application for licensure or refuse to
36 renew a license based on the outcome of the criminal history record
37 check. The board may require criminal history requirements more
38 stringent than those established by any applicable federal law. At a
39 minimum, the board shall adopt the criminal history requirements
40 established by any applicable federal law.

41 **SECTION 71.** In Colorado Revised Statutes, 12-10-610, **amend**
42 **as relocated by House Bill 19-1172** (4) as follows:

43 **12-10-610. Expiration of licenses - renewal - penalties - fees -**

1 **rules.** (4) At the time of renewal or reinstatement, every licensee,
2 certificate holder, and person or individual who owns more than ten
3 percent of an appraisal management company shall submit a set of
4 fingerprints to the Colorado bureau of investigation for the purpose of
5 conducting a state and national fingerprint-based criminal history record
6 check utilizing records of the Colorado bureau of investigation and the
7 federal bureau of investigation, if the person has not previously done so
8 for issuance of a license or certification by the board. Each person
9 submitting a set of fingerprints shall pay the fee established by the
10 Colorado bureau of investigation for conducting the fingerprint-based
11 criminal history record check to the bureau. The bureau shall forward the
12 results to the board. The board ~~may~~ SHALL require a name-based criminal
13 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an
14 applicant who has twice submitted to a fingerprint-based criminal history
15 record check and whose fingerprints are unclassifiable OR WHEN THE
16 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
17 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD
18 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE
19 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
20 CHECK. The board may refuse to renew or reinstate a license or
21 certification based on the outcome of the criminal history record check.

22 **SECTION 72.** In Colorado Revised Statutes, 12-10-704, **amend**
23 **as relocated by House Bill 19-1172** (6)(a) and (7)(c) as follows:

24 **12-10-704. License required - rules.** (6) (a) Prior to submitting
25 an application for a license, an applicant shall submit a set of fingerprints
26 to the Colorado bureau of investigation. Upon receipt of the applicant's
27 fingerprints, the Colorado bureau of investigation shall use the
28 fingerprints to conduct a state and national criminal history record check
29 using records of the Colorado bureau of investigation and the federal
30 bureau of investigation. All costs arising from the criminal history record
31 check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid when
32 the set of fingerprints is submitted. Upon completion of the criminal
33 history record check, the bureau shall forward the results to the board.
34 The board ~~may~~ SHALL acquire a name-based criminal history record
35 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has
36 twice submitted to a fingerprint-based criminal history record check and
37 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A
38 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
39 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
40 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS
41 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

42 (7) (c) The board ~~may~~ SHALL acquire a name-based criminal
43 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an

1 applicant who has twice submitted to a fingerprint-based criminal history
2 record check and whose fingerprints are unclassifiable OR WHEN THE
3 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
4 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD
5 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE
6 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
7 CHECK.

8 **SECTION 73.** In Colorado Revised Statutes, 12-125-106, **amend**
9 **as relocated by House Bill 19-1172 (4)** as follows:

10 **12-125-106. Licensing.** (4) With the submission of an application
11 for a license granted pursuant to this section, each applicant and its
12 officers, directors, and general partners shall submit a complete set of his
13 or her fingerprints to the Colorado bureau of investigation for the purpose
14 of conducting fingerprint-based criminal history record checks. The
15 Colorado bureau of investigation shall forward the fingerprints to the
16 federal bureau of investigation for the purpose of conducting
17 fingerprint-based criminal history record checks. ~~The director may~~
18 ~~acquire a name-based criminal history record check for a person who has~~
19 ~~twice submitted to a fingerprint-based criminal history record check and~~
20 ~~whose fingerprints are unclassifiable.~~ A person who has previously
21 submitted fingerprints for state or local licensing purposes may request
22 the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A
23 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
24 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
26 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
28 PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF
29 ARREST WITHOUT A DISPOSITION. The director shall use the information
30 resulting from the fingerprint-based OR NAME-BASED criminal history
31 record check to investigate and determine whether an applicant is
32 qualified to hold a license pursuant to this section. The director may
33 verify the information an applicant is required to submit. The applicant
34 shall pay the costs associated with the fingerprint-based criminal history
35 record check to the Colorado bureau of investigation. THE APPLICANT IS
36 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL
37 HISTORY RECORD CHECK.

38 **SECTION 74.** In Colorado Revised Statutes, 12-160-107, **amend**
39 **as relocated by House Bill 19-1172 (2)** as follows:

40 **12-160-107. Private investigator licenses - qualifications - fees**
41 **- renewal - rules.** (2) (a) In addition to the requirements of subsection
42 (1) of this section, each applicant for a level I or level II private
43 investigator license must have his or her fingerprints taken by a local law

1 enforcement agency or any third party approved by the Colorado bureau
2 of investigation for the purpose of obtaining a fingerprint-based criminal
3 history record check. If an approved third party takes the person's
4 fingerprints, the fingerprints may be electronically captured using
5 Colorado bureau of investigation-approved livescan equipment.
6 Third-party vendors shall not keep the applicant information for more
7 than thirty days unless requested to do so by the applicant. The applicant
8 shall submit payment by certified check or money order for the
9 fingerprints and for the actual costs of the record check at the time the
10 fingerprints are submitted to the Colorado bureau of investigation. Upon
11 receipt of fingerprints and receipt of the payment for costs, the Colorado
12 bureau of investigation shall conduct a state and national
13 fingerprint-based criminal history record check utilizing records of the
14 Colorado bureau of investigation and the federal bureau of investigation
15 and shall forward the results of the criminal history record check to the
16 director.

17 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
18 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
19 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
20 THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
21 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
22 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE
23 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

24 **SECTION 75.** In Colorado Revised Statutes, 12-235-108, **amend**
25 **as relocated by House Bill 19-1172** (1)(e) and (3); and **add as relocated**
26 **by House Bill 19-1172** (2.5) as follows:

27 **12-235-108. License - reciprocity - denial of license**
28 **application.** (1) Every applicant for a license to practice massage therapy
29 shall:

30 (e) Submit to a criminal history record check in the form and
31 manner as described in subsection (2) OF THIS SECTION AND, IF
32 NECESSARY, SUBSECTION (2.5) of this section; and

33 (2.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
34 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
35 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
36 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED
37 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
38 (6)(d).

39 (3) After an applicant has fulfilled the requirements of subsections
40 (1) and (2) OF THIS SECTION AND, IF NECESSARY, SUBSECTION (2.5) of this
41 section, the director shall issue a license to the applicant.

42 **SECTION 76.** In Colorado Revised Statutes, **amend as relocated**
43 **by House Bill 19-1172** 12-280-304 as follows:

12-280-304. Criminal history record check. (1) Prior to submission of an application, each designated representative must have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The designated representative shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation.

26 **SECTION 77.** In Colorado Revised Statutes, **amend as relocated**
27 **by House Bill 19-1172** 12-310-107 as follows:

12-310-107. Criminal history record check required. (1) Each applicant for registration must have the applicant's fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the applicant's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The applicant shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation

1 and shall forward the results of the criminal history record check to the
2 director.

3 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
4 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
5 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
6 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED
7 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
8 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE
9 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

10 **SECTION 78. Effective date.** This act takes effect upon passage;
11 except that sections 68 through 77 of this act take effect only if House
12 Bill 19-1172 becomes law, in which case sections 68 through 77 take
13 effect on October 1, 2019.".

14 Renumber succeeding section accordingly.

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