

SENATE COMMITTEE OF REFERENCE REPORT

March 2, 2021

Chair of Committee

Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB21-040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 6, after "(7.5)" insert "(a)".

2 Page 2, after line 7 insert:

3 "(b) "DRIVER'S HISTORY" DOES NOT INCLUDE A MISDEMEANOR OR
4 FELONY CONVICTION, NOTWITHSTANDING THAT THE CONVICTION IS
5 INCLUDED WITHIN THE DRIVER'S HISTORY RECORD MADE AND MAINTAINED
6 IN ACCORDANCE WITH SECTION 42-2-121 (2).".

7 Page 2, strike lines 18 through 20 and substitute "LICENSE,
8 CERTIFICATION, OR REGISTRATION UNLESS:

9 (a) THE EVENT IS RELEVANT TO THE ETHICS OF OR PERFORMANCE
10 OF THE PROFESSION OR OCCUPATION THAT IS THE SUBJECT OF THE
11 APPLICATION; AND

12 (b) (I) THE OPERATION OF A MOTOR VEHICLE IS A DUTY OF THE
13 PROFESSION OR OCCUPATION THAT IS THE SUBJECT OF THE APPLICATION;

14 (II) THE EVENT IS A PART OF A PATTERN OF BEHAVIOR THAT IS
15 RELEVANT TO THE ETHICS OF OR PERFORMANCE OF THE PROFESSION OR
16 OCCUPATION THAT IS THE SUBJECT OF THE APPLICATION; OR

17 (III) THE EVENT OCCURRED WITHIN THREE YEARS BEFORE THE
18 DATE THAT THE APPLICANT SUBMITTED THE APPLICATION TO THE
19 REGULATOR.".

20 Page 3, strike lines 5 through 7 and substitute "**administrative law judge**

1 - **driver's history.** (4) (a) UNLESS SUBSECTION (4)(b) OF THIS SECTION
2 APPLIES, A REGULATOR".

3 Page 3, line 8, strike the first "THE" and substitute "AN".

4 Page 3, strike lines 13 through 17 and substitute:

5 "(b) A REGULATOR MAY CONSIDER AN EVENT WITHIN A DRIVER'S
6 HISTORY IF:

7 (I) THE EVENT IS RELEVANT TO THE ETHICS OF OR PERFORMANCE
8 OF THE PROFESSION OR OCCUPATION FOR WHICH THE LICENSEE,
9 CERTIFICANT, OR REGISTRANT IS LICENSED, CERTIFIED, OR REGISTERED;
10 AND

11 (II) (A) THE OPERATION OF A MOTOR VEHICLE IS A DUTY OF THE
12 PROFESSION OR OCCUPATION FOR WHICH THE LICENSEE, CERTIFICANT, OR
13 REGISTRANT IS LICENSED, CERTIFIED, OR REGISTERED;

14 (B) THE EVENT IS A PART OF A PATTERN OF BEHAVIOR THAT IS
15 RELEVANT TO THE ETHICS OF OR PERFORMANCE OF THE PROFESSION OR
16 OCCUPATION FOR WHICH THE LICENSEE, CERTIFICANT, OR REGISTRANT IS
17 LICENSED, CERTIFIED, OR REGISTERED; OR

18 (C) THE EVENT OCCURRED WITHIN THREE YEARS BEFORE THE ACT
19 UPON WHICH THE DISCIPLINE IS BASED."

20 Page 3, line 22, after "(1.5)" insert "(a)".

21 Page 3, after line 23 insert:

22 "(b) "DRIVER'S HISTORY" DOES NOT INCLUDE A MISDEMEANOR OR
23 FELONY CONVICTION, NOTWITHSTANDING THAT THE CONVICTION IS
24 INCLUDED WITHIN THE DRIVER'S HISTORY RECORD MADE AND MAINTAINED
25 IN ACCORDANCE WITH SECTION 42-2-121 (2)."

26 Page 4, strike lines 5 through 9 and substitute "REGISTRATION UNLESS:

27 (a) THE EVENT IS RELEVANT TO THE ETHICS OF OR PERFORMANCE
28 OF THE PROFESSION OR OCCUPATION THAT IS THE SUBJECT OF THE
29 APPLICATION; AND

30 (b) (I) THE OPERATION OF A MOTOR VEHICLE IS A DUTY OF THE
31 PROFESSION OR OCCUPATION THAT IS THE SUBJECT OF THE APPLICATION;

32 (II) THE EVENT IS A PART OF A PATTERN OF BEHAVIOR THAT IS
33 RELEVANT TO THE ETHICS OF OR PERFORMANCE OF THE PROFESSION OR
34 OCCUPATION THAT IS THE SUBJECT OF THE APPLICATION; OR

35 (III) THE EVENT OCCURRED WITHIN THREE YEARS BEFORE THE



1 DATE THAT THE APPLICANT SUBMITTED THE APPLICATION TO THE
2 DEPARTMENT.

3 (2)(a) UNLESS SUBSECTION (2)(b) OF THIS SECTION APPLIES, THE".

4 Page 4, line 10, strike the first "THE" and substitute "AN".

5 Page 4, strike lines 16 through 20 and substitute:

6 "(b) THE DEPARTMENT MAY CONSIDER AN EVENT WITHIN A
7 DRIVER'S HISTORY IF:

8 (I) THE EVENT IS RELEVANT TO THE ETHICS OF OR PERFORMANCE
9 OF THE PROFESSION OR OCCUPATION FOR WHICH THE LICENSE HOLDER,
10 PERMIT HOLDER, OR REGISTRANT IS LICENSED, PERMITTED, OR
11 REGISTERED; AND

12 (II) (A) THE OPERATION OF A MOTOR VEHICLE IS A DUTY OF THE
13 PROFESSION OR OCCUPATION FOR WHICH THE LICENSE HOLDER, PERMIT
14 HOLDER, OR REGISTRANT IS LICENSED, PERMITTED, OR REGISTERED;

15 (B) THE EVENT IS A PART OF A PATTERN OF BEHAVIOR THAT IS
16 RELEVANT TO THE ETHICS OF OR PERFORMANCE OF THE PROFESSION OR
17 OCCUPATION FOR WHICH THE LICENSE HOLDER, PERMIT HOLDER, OR
18 REGISTRANT IS LICENSED, PERMITTED, OR REGISTERED; OR

19 (C) THE EVENT OCCURRED WITHIN THREE YEARS BEFORE THE ACT
20 UPON WHICH THE DISCIPLINE IS BASED."

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