

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_ February 13, 2019  
Chair of Committee Date

Committee on Business Affairs & Labor.

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

HB19-1166 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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:

1           **12-10-606. Qualifications for licensing and certification of**  
2 **appraisers - continuing education - definitions - rules.** (6) (a) The  
3 board shall not issue a license or certification until the applicant  
4 demonstrates that he or she meets the fitness standards established by  
5 board rule and submits a set of fingerprints to the Colorado bureau of  
6 investigation for the purpose of conducting a state and national  
7 fingerprint-based criminal history record check utilizing records of the  
8 Colorado bureau of investigation and the federal bureau of investigation.  
9 Each person submitting a set of fingerprints shall pay the fee established  
10 by the Colorado bureau of investigation for conducting the  
11 fingerprint-based criminal history record check to the bureau. Upon  
12 completion of the criminal history record check, the bureau shall forward  
13 the results to the board. The board ~~may~~ SHALL require a name-based  
14 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
15 for an applicant who has twice submitted to a fingerprint-based criminal  
16 history record check and whose fingerprints are unclassifiable OR WHEN  
17 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
18 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL  
19 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY  
20 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
21 CHECK. The board may deny an application for licensure or certification  
22 based on the outcome of the criminal history record check and may  
23 establish criminal history requirements more stringent than those  
24 established by any applicable federal law. At a minimum, the board shall  
25 adopt the criminal history requirements established by any applicable  
26 federal law.

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

29           **12-10-607. Appraisal management companies - application for**  
30 **license - exemptions.** (3) The board shall not issue a license to any  
31 partnership, limited liability company, or corporation unless and until the  
32 appraiser designated by the partnership, limited liability company, or  
33 corporation as controlling appraiser and each individual who owns more  
34 than ten percent of the entity demonstrates that he or she meets the fitness  
35 standards established by board rule and submits a set of fingerprints to the  
36 Colorado bureau of investigation for the purpose of conducting a state  
37 and national fingerprint-based criminal history record check utilizing  
38 records of the Colorado bureau of investigation and the federal bureau of  
39 investigation. Each person submitting a set of fingerprints shall pay the  
40 fee established by the Colorado bureau of investigation for conducting the  
41 fingerprint-based criminal history record check to the bureau. Upon

1 completion of the criminal history record check, the bureau shall forward  
2 the results to the board. The board ~~may~~ SHALL require a name-based  
3 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
4 for an applicant who has twice submitted to a fingerprint-based criminal  
5 history record check and whose fingerprints are unclassifiable OR WHEN  
6 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
7 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL  
8 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY  
9 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
10 CHECK. The board may deny an application for licensure or refuse to  
11 renew a license based on the outcome of the criminal history record  
12 check. The board may require criminal history requirements more  
13 stringent than those established by any applicable federal law. At a  
14 minimum, the board shall adopt the criminal history requirements  
15 established by any applicable federal law.

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

18 **12-10-610. Expiration of licenses - renewal - penalties - fees -**  
19 **rules.** (4) At the time of renewal or reinstatement, every licensee,  
20 certificate holder, and person or individual who owns more than ten  
21 percent of an appraisal management company shall submit a set of  
22 fingerprints to the Colorado bureau of investigation for the purpose of  
23 conducting a state and national fingerprint-based criminal history record  
24 check utilizing records of the Colorado bureau of investigation and the  
25 federal bureau of investigation, if the person has not previously done so  
26 for issuance of a license or certification by the board. Each person  
27 submitting a set of fingerprints shall pay the fee established by the  
28 Colorado bureau of investigation for conducting the fingerprint-based  
29 criminal history record check to the bureau. The bureau shall forward the  
30 results to the board. The board ~~may~~ SHALL require a name-based criminal  
31 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
32 applicant who has twice submitted to a fingerprint-based criminal history  
33 record check and whose fingerprints are unclassifiable OR WHEN THE  
34 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
35 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD  
36 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
37 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
38 CHECK. The board may refuse to renew or reinstate a license or  
39 certification based on the outcome of the criminal history record check.

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

1           **12-10-704. License required - rules.** (6) (a) Prior to submitting  
2 an application for a license, an applicant shall submit a set of fingerprints  
3 to the Colorado bureau of investigation. Upon receipt of the applicant's  
4 fingerprints, the Colorado bureau of investigation shall use the  
5 fingerprints to conduct a state and national criminal history record check  
6 using records of the Colorado bureau of investigation and the federal  
7 bureau of investigation. All costs arising from the criminal history record  
8 check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid when  
9 the set of fingerprints is submitted. Upon completion of the criminal  
10 history record check, the bureau shall forward the results to the board.  
11 The board ~~may~~ SHALL acquire a name-based criminal history record  
12 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has  
13 twice submitted to a fingerprint-based criminal history record check and  
14 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
15 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
16 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
17 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS  
18 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

19           (7) (c) The board ~~may~~ SHALL acquire a name-based criminal  
20 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
21 applicant who has twice submitted to a fingerprint-based criminal history  
22 record check and whose fingerprints are unclassifiable OR WHEN THE  
23 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
24 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD  
25 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
26 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
27 CHECK.

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

30           **12-125-106. Licensing.** (4) With the submission of an application  
31 for a license granted pursuant to this section, each applicant and its  
32 officers, directors, and general partners shall submit a complete set of his  
33 or her fingerprints to the Colorado bureau of investigation for the purpose  
34 of conducting fingerprint-based criminal history record checks. The  
35 Colorado bureau of investigation shall forward the fingerprints to the  
36 federal bureau of investigation for the purpose of conducting  
37 fingerprint-based criminal history record checks. ~~The director may~~  
38 ~~acquire a name-based criminal history record check for a person who has~~  
39 ~~twice submitted to a fingerprint-based criminal history record check and~~  
40 ~~whose fingerprints are unclassifiable.~~ A person who has previously  
41 submitted fingerprints for state or local licensing purposes may request

1 the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A  
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
3 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A  
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
5 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
7 PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF  
8 ARREST WITHOUT A DISPOSITION. The director shall use the information  
9 resulting from the fingerprint-based OR NAME-BASED criminal history  
10 record check to investigate and determine whether an applicant is  
11 qualified to hold a license pursuant to this section. The director may  
12 verify the information an applicant is required to submit. The applicant  
13 shall pay the costs associated with the fingerprint-based criminal history  
14 record check to the Colorado bureau of investigation. THE APPLICANT IS  
15 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL  
16 HISTORY RECORD CHECK.

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

19 **12-160-107. Private investigator licenses - qualifications - fees**  
20 **- renewal - rules.** (2) (a) In addition to the requirements of subsection  
21 (1) of this section, each applicant for a level I or level II private  
22 investigator license must have his or her fingerprints taken by a local law  
23 enforcement agency or any third party approved by the Colorado bureau  
24 of investigation for the purpose of obtaining a fingerprint-based criminal  
25 history record check. If an approved third party takes the person's  
26 fingerprints, the fingerprints may be electronically captured using  
27 Colorado bureau of investigation-approved livescan equipment.  
28 Third-party vendors shall not keep the applicant information for more  
29 than thirty days unless requested to do so by the applicant. The applicant  
30 shall submit payment by certified check or money order for the  
31 fingerprints and for the actual costs of the record check at the time the  
32 fingerprints are submitted to the Colorado bureau of investigation. Upon  
33 receipt of fingerprints and receipt of the payment for costs, the Colorado  
34 bureau of investigation shall conduct a state and national  
35 fingerprint-based criminal history record check utilizing records of the  
36 Colorado bureau of investigation and the federal bureau of investigation  
37 and shall forward the results of the criminal history record check to the  
38 director.

39 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
40 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
41 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,

1 THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
3 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE  
4 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

8 **12-235-108. License - reciprocity - denial of license**  
9 **application.** (1) Every applicant for a license to practice massage therapy  
10 shall:

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

14 (2.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
15 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
16 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
17 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED  
18 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
19 (6)(d).

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

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

25 **12-280-304. Criminal history record check.** (1) Prior to  
26 submission of an application, each designated representative must have  
27 his or her fingerprints taken by a local law enforcement agency or any  
28 third party approved by the Colorado bureau of investigation for the  
29 purpose of obtaining a fingerprint-based criminal history record check. If  
30 an approved third party takes the person's fingerprints, the fingerprints  
31 may be electronically captured using Colorado bureau of  
32 investigation-approved livescan equipment. Third-party vendors shall not  
33 keep the applicant information for more than thirty days unless requested  
34 to do so by the applicant. The designated representative shall submit  
35 payment by certified check or money order for the fingerprints and for the  
36 actual costs of the record check at the time the fingerprints are submitted  
37 to the Colorado bureau of investigation. Upon receipt of fingerprints and  
38 receipt of the payment for costs, the Colorado bureau of investigation  
39 shall conduct a state and national fingerprint-based criminal history  
40 record check utilizing records of the Colorado bureau of investigation and  
41 the federal bureau of investigation.

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

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

11 **12-310-107. Criminal history record check required.** (1) Each  
12 applicant for registration must have the applicant's fingerprints taken by  
13 a local law enforcement agency or any third party approved by the  
14 Colorado bureau of investigation for the purpose of obtaining a  
15 fingerprint-based criminal history record check. If an approved third party  
16 takes the applicant's fingerprints, the fingerprints may be electronically  
17 captured using Colorado bureau of investigation-approved livescan  
18 equipment. Third-party vendors shall not keep the applicant information  
19 for more than thirty days unless requested to do so by the applicant. The  
20 applicant shall submit payment by certified check or money order for the  
21 fingerprints and for the actual costs of the record check at the time the  
22 fingerprints are submitted to the Colorado bureau of investigation. Upon  
23 receipt of fingerprints and receipt of the payment for costs, the Colorado  
24 bureau of investigation shall conduct a state and national  
25 fingerprint-based criminal history record check utilizing records of the  
26 Colorado bureau of investigation and the federal bureau of investigation  
27 and shall forward the results of the criminal history record check to the  
28 director.

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

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

40 Renumber succeeding section accordingly.

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