

## CHAPTER 189

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**GOVERNMENT - STATE**


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**SENATE BILL 06-120**

BY SENATOR(S) Dyer, and Lamborn;  
also REPRESENTATIVE(S) Hefley, and Decker.

**AN ACT**

**CONCERNING THE REQUIREMENT OF A FULL INVESTIGATION PRIOR TO THE AMENDMENT OF LICENSES  
ISSUED BY STATE AGENCIES.**

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

**SECTION 1.** 24-4-104 (3) and (4), Colorado Revised Statutes, are amended to read:

**24-4-104. Licenses - issuance, suspension or revocation, renewal.** (3) (a) No revocation, suspension, annulment, limitation, or modification of a license by any agency shall be lawful unless, before institution of agency proceedings therefor, the agency has given the licensee notice in writing of OBJECTIVE facts or conduct ESTABLISHED UPON A FULL INVESTIGATION that may warrant such action and afforded the licensee opportunity to submit written data, views, and arguments with respect to ~~such~~ THE facts or conduct and, except in cases of deliberate and willful violation or of substantial danger to public health and safety, given the licensee a reasonable opportunity to comply with all lawful requirements. FOR PURPOSES OF THIS SUBSECTION (3), "FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE AGENCY ACTION IS BASED.

(b) THE FULL INVESTIGATION REQUIREMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO LICENSES ISSUED UNDER ARTICLES 1.1, 9, 10, 11, 11.5, 12, 13, 14, AND 16 OF TITLE 40 OR ARTICLE 2 OF TITLE 42, C.R.S.

(4) (a) Where the agency has OBJECTIVE AND reasonable grounds to believe and finds, UPON A FULL INVESTIGATION, that the licensee has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates ~~such~~ THE findings in its order, it may

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

summarily suspend the license pending proceedings for suspension or revocation which shall be promptly instituted and determined. FOR PURPOSES OF THIS SUBSECTION (4), "FULL INVESTIGATION" MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE AGENCY ACTION IS BASED.

(b) THE FULL INVESTIGATION REQUIREMENT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO LICENSES ISSUED UNDER ARTICLES 1.1, 9, 10, 11, 11.5, 12, 13, 14, AND 16 OF TITLE 40 OR ARTICLE 2 OF TITLE 42, C.R.S.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to amendment of licenses on or after the applicable effective date of this act.

Approved: May 4, 2006