

SB159_L.001

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 ~~(V) For use in research activities, and for use in producing~~
2 ~~statistical reports, so long as the personal information is not published,~~
3 ~~redisclosed, or used to contact the parties in interest;~~
4 ~~(VI) 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 ~~(VII) For use in providing notice to the owners of towed or~~
9 ~~impounded vehicles;~~
10 ~~(VIII) 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 ~~(IX) 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 ~~(X) For use in connection with the operation of private toll~~
17 ~~transportation facilities;~~
18 ~~(XI) 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 ~~(XII) 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 ~~(XIII) For use by any requester, if the requester demonstrates he~~
25 ~~or she has obtained the written consent of the party in interest;~~
26 ~~(XIV) 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 ~~(XV) 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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