

HB1314_L.011

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.HB21-1314 be amended as follows:

1 Amend the reengrossed bill, page 7, strike line 23 and substitute
2 "(1)(a)(I), (1.3)(b), and (3); and **repeal** (1.5)(c)(II) as follows:".

3 Page 8, strike lines 23 through 27 and substitute:

4 "(3) (a) (I) Prior to the renewal of a permanent driver's license or
5 the issuance or renewal of a probationary license, the department shall
6 determine if the applicant has ~~any outstanding judgments or warrants~~
7 ~~entered or issued against the applicant or if the applicant has issued a~~
8 ~~check or order to the department for the payment of a penalty assessment~~
9 ~~and such check or order was returned for insufficient funds or a closed~~
10 ~~account and remains unpaid as set forth in section 42-4-1709 (7)."~~

11 Page 9, strike lines 1 and 2.

12 Page 9, line 3, strike "~~(H)~~" and substitute "(II)".

13 Page 9, strike lines 7 through 27 and substitute:

14 "~~(b) (I) If there are no outstanding judgments or warrants entered~~
15 ~~or issued against the applicant and the applicant has not issued a check or~~
16 ~~order to the department that was returned for insufficient funds or a~~
17 ~~closed account and that remains unpaid as set forth in section 42-4-1709~~
18 ~~(7) and if all other conditions for renewal pursuant to articles 1 to 4 of this~~
19 ~~title TITLE 42 are met, the department shall renew the applicant's~~
20 ~~permanent driver's license.~~

21 "(II) ~~If there are no outstanding judgments or warrants entered or~~
22 ~~issued against the applicant and the defendant has not issued a check or~~
23 ~~order to the department that was returned for insufficient funds or a~~
24 ~~closed account and that remains unpaid as set forth in section 42-4-1709~~
25 ~~(7) and if all other conditions for renewal pursuant to articles 1 to 4 of this~~
26 ~~title TITLE 42 are met, the department may issue or renew the applicant's~~
27 ~~probationary license.~~

28 "(c) ~~If the department determines that the applicant is subject to the~~
29 ~~requirements of section 42-4-1709 (7), the permanent driver's license~~
30 ~~shall not be renewed or the probationary license may not be issued or~~
31 ~~renewed until such applicant has complied with said section. Any person~~
32 ~~who pays any outstanding judgments, who has any warrants entered, or~~
33 ~~who makes payment for a check or order to the department that had been~~
34 ~~returned for insufficient funds or a closed account pursuant to section~~
35 ~~42-4-1709 (7) shall pay to the court or to the department a thirty-dollar~~

1 administrative processing cost for each ~~such judgment, warrant, check or~~
2 order in addition to all other penalties, costs, or forfeitures. If the court
3 collects an administrative processing fee, the court shall remit fifty
4 percent of the administrative processing fee to the department of revenue,
5 and the other fifty percent of that fee is to be retained by the issuing court.
6 If the department collects an administrative processing fee, the
7 department shall retain the fee."

8 Page 10, strike lines 1 through 8.

9 Page 10, line 9, strike "~~(d)~~" and substitute "(d)".

10 Page 10, line 13, strike "~~(e)~~" and substitute "(e)".

11 Page 10, strike lines 17 through 22 and substitute:

12 "(f) There ~~shall be~~ IS a twenty-day period to appeal any penalty
13 under this section when it can be shown by the applicant or defendant that
14 sufficient funds were in the financial institution and the error was that of
15 the financial institution. In this event the department shall review the
16 documentation and, if it was the fault of the financial institution that the
17 check or order was returned, ~~no~~ THE DEPARTMENT SHALL NOT IMPOSE
18 penalty or fee. ~~shall be imposed~~."

19 Page 13, line 7, strike "**repeal**" and substitute "**amend**".

20 Page 13, strike lines 10 through 13 and substitute "**violations of**
21 **provisions by officer - driver's license.** (7) (a) A person ~~shall not be~~ IS
22 NOT allowed or permitted to obtain or renew a permanent driver's, minor
23 driver's, or probationary license if such person has, at the time of making
24 application for obtaining or renewing such driver's license:"

25 Page 13, line 14, strike "~~(I)~~" and substitute "(I)".

26 Page 13, line 16, strike "~~(II)~~" and substitute "(II)".

27 Page 13, line 20, strike "~~(III)~~" and substitute "(III)".

28 Page 13, line 25, strike "~~(IV)~~" and substitute "(IV)".

29 Page 14, line 3, strike "~~(V)~~" and substitute "(V)".

1 Page 14, strike lines 9 through 16 and substitute:

2 "(VI) Issued a check or order to the department to pay a penalty
3 assessment, a driver's license fee, a license reinstatement fee, or a motor
4 vehicle record fee and such check or order is returned for insufficient
5 funds or a closed account and remains unpaid. For the purposes of this
6 ~~subparagraph (VI)~~ SUBSECTION (7), the term "insufficient funds" means
7 having an insufficient balance on account with a bank or other drawee for
8 the payment of a check or order when the check or order is presented for
9 payment within thirty days after issue."

10 Page 14, strike line 17 and substitute "(VII) Repealed."

11 Page 14, strike "~~(VIII)~~" and substitute "(VIII)".

12 Page 14, strike "~~(b)~~" and substitute "(b)".

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