

HB1224_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.HB18-1224 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 11 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 24-4-104, amend
3 (6) as follows:

4 **24-4-104. Licenses - issuance, suspension or revocation,**
5 **renewal.** (6) ~~No previously issued license shall be revoked, suspended,~~
6 ~~annulled, limited, or modified, except as provided in subsection (3) of this~~
7 ~~section~~ EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, AN
8 AGENCY SHALL NOT REVOKE, SUSPEND, ANNUL, LIMIT, OR MODIFY A
9 PREVIOUSLY ISSUED LICENSE until after HOLDING A hearing as provided in
10 section 24-4-105."

11 Page 3, strike lines 1 through 4 and substitute:

12 "SECTION 2. In Colorado Revised Statutes, 24-4-105, amend
13 (4) as follows:

14 **24-4-105. Hearings and determinations.** (4) (a) Any agency
15 conducting a hearing, any administrative law judge, and any hearing
16 officer shall have authority to: Administer oaths and affirmations; sign
17 and issue subpoenas; rule upon offers of proof and receive evidence;
18 dispose of motions relating to the discovery and production of relevant
19 documents and things for inspection, copying, or photographing; regulate
20 the course of the hearing, set the time and place for continued hearings,
21 and fix the time for the filing of briefs and other documents; direct the
22 parties to appear and confer to consider the simplification of the issues,
23 admissions of fact or of documents to avoid unnecessary proof, and
24 limitation of the number of expert witnesses; issue appropriate orders
25 which shall control the subsequent course of the proceedings; dispose of
26 motions to dismiss for lack of agency jurisdiction over the subject matter
27 or parties or for any other ground; dispose of motions to amend or to
28 dismiss without prejudice applications and other pleadings; dispose of
29 motions to intervene, procedural requests, or similar matters; reprimand
30 or exclude from the hearing any person for any improper or indecorous
31 conduct in his OR HER presence; award attorney fees for abuses of
32 discovery procedures or as otherwise provided under the Colorado rules
33 of civil procedure; and take any other action authorized by agency rule
34 consistent with this article 4 or in accordance, to the extent practicable,
35 with the procedure in the district courts. All parties to the proceeding
36 shall also have the right to cross-examine witnesses who testify at the
37 proceeding. In the event more than one person engages in the conduct of

1 a hearing, such persons shall designate one of their number to perform
2 such of the above functions as can best be performed by one person only,
3 and thereafter such person only shall perform those functions which are
4 assigned to him OR HER by the several persons conducting such hearing.

5 (b) (I) (A) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE".

6 Renumber succeeding subparagraphs accordingly.

7 Page 3, strike lines 20 through 24 and substitute:

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9 "(II) UPON PETITION OF THE AGENCY OR LICENSEE AFTER THE
10 LICENSEE HAS RECEIVED THE NOTICE OF CHARGES, THE HEARING OFFICER
11 OR ADMINISTRATIVE LAW JUDGE SHALL ORDER MEDIATION BETWEEN THE
12 AGENCY AND THE LICENSEE UNLESS THE LICENSE WAS SUMMARILY
13 SUSPENDED IN ACCORDANCE WITH SECTION 24-4-104 (4). WHEN
14 MEDIATION IS ORDERED, THE AGENCY SHALL:".

15 Page 4, strike line 11 and substitute "OUT THIS SUBSECTION (4):".

16 Page 4, strike lines 18 through 20 and substitute:

17 "(IV) IF AN AGENCY FAILS TO COMPLY WITH AN ORDER OF
18 MEDIATION, A LICENSEE".

19 Page 4, strike lines 23 through 27 and substitute "PROCEEDINGS AND
20 REQUIRE COMPLIANCE WITH THE ORDER TO BE COMPLETED IN GOOD FAITH
21 AS SOON AS PRACTICABLE, UNDER THE ADMINISTRATIVE LAW JUDGE'S OR
22 THE HEARING OFFICER'S SUPERVISION.".

23 Page 5, strike lines 1 through 15.

24 Renumber succeeding subparagraphs accordingly.

25 Page 5, strike line 27.

26 Page 6, strike lines 1 through 20 and substitute:

27 "(VII) THIS SUBSECTION (4)(b) APPLIES ONLY TO AGENCY
28 PROCEEDINGS THAT CONCERN AN INDIVIDUAL WHO IS LICENSED TO
29 PRACTICE AN OCCUPATION OR PROFESSION; EXCEPT THAT THIS SUBSECTION
30 (4)(b) DOES NOT APPLY TO A COMMERCIAL DRIVER'S LICENSE ISSUED
31 UNDER PART 4 OF ARTICLE 2 OF TITLE 42.".

- 1 Page 6, strike lines 21 through 27.
- 2 Page 7, strike lines 1 through 9.
- 3 Page 8, line 11, strike "SECTION 24-4-104 (3)(a)." and substitute
- 4 "SECTIONS 24-4-104 (3)(a) OR 24-4-105 (4)(b).".

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