

HB1266\_L.001

## HOUSE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Judiciary.

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

HB09-1266 be amended as follows:

1 Amend printed bill, page 4, after line 15, insert the following:

2 "SECTION 7. 10-3-1104 (4) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **10-3-1104. Unfair methods of competition and unfair or**  
5 **deceptive acts or practices.** (4) The following is defined as an unfair  
6 practice in the business of insurance: For an insurer to deny, refuse to  
7 issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate a  
8 motor vehicle insurance policy, to restrict motor vehicle insurance  
9 coverage on any person, or to add any surcharge or rating factor to a  
10 premium of a motor vehicle insurance policy solely because of:

11 (a) A conviction under section 12-47-901 (1) (b), C.R.S., or  
12 section 18-13-122 (2), C.R.S., or any counterpart municipal charter or  
13 ordinance offense or because of any driver's license revocation resulting  
14 from such conviction. This paragraph (a) includes, but is not limited to,  
15 a driver's license revocation imposed under section 42-2-125 (1) (m),  
16 C.R.S., AS IT EXISTED PRIOR TO ITS REPEAL ON THE EFFECTIVE DATE OF  
17 HOUSE BILL 09-1266, ENACTED IN 2009."

18 Renumber succeeding sections accordingly.

19 Page 5, after line 3, insert the following:

20 "SECTION 9. 42-1-206 (6), Colorado Revised Statutes, is



1 amended to read:

2 **42-1-206. Records open to inspection - furnishing of copies.**

3 (6) The record of conviction ENTERED BEFORE THE EFFECTIVE DATE OF  
4 HOUSE BILL 09-1266, ENACTED IN 2009, and actions taken by the  
5 department for violating section 18-13-122 or 12-47-901 (1) (c), C.R.S.,  
6 held by the department of revenue, shall not be a public record after the  
7 period of revocation imposed under such sections has been concluded;  
8 except that this subsection (6) shall not prevent the department from  
9 sharing such information with a criminal justice agency as defined in  
10 section 24-72-302 (3), C.R.S."

11 Renumber succeeding sections accordingly.

12 Page 5, line 4, after "42-2-125", insert "(1) (m)", and after "(3)", insert  
13 "(6) (a)";

14 after line 9, insert the following:

15 "~~(m) Been convicted of violating section 12-47-901 (1) (b) or (1)~~  
16 ~~(c), C.R.S., or section 18-13-122 (2), C.R.S., or any counterpart municipal~~  
17 ~~charter or ordinance offense to such sections;~~";

18 strike lines 23 through 26 and substitute the following:

19 "~~in section 42-2-119 (2). Where a minor driver's license is revoked under~~  
20 ~~paragraph (m) or (n) of subsection (1) of this section, such revocation~~  
21 ~~shall not run concurrently with any previous or subsequent suspension,~~  
22 ~~revocation, cancellation, or denial that is provided for by law.~~

23 ~~(6) (a) Any person who has a license revoked pursuant to~~  
24 ~~paragraph (m) of subsection (1) of this section shall be subject to a~~  
25 ~~revocation period that shall continue for the period of time described~~  
26 ~~hereafter:~~

27 ~~(I) After one conviction, twenty-four hours of public service if~~  
28 ~~ordered by the court, or three months;~~

29 ~~(II) After a second conviction, six months;~~

30 ~~(III) After any third or subsequent conviction, one year."~~

1 Page 11, after line 13, insert the following:

2 "SECTION 14. Repeal. 42-2-131, Colorado Revised Statutes,  
3 is repealed as follows:

4 **42-2-131. Revocation of license or permit for nondriving**  
5 **alcohol convictions.** ~~Upon a plea of guilty or nolo contendere or a~~  
6 ~~verdict of guilty by the court or a jury to an offense for which revocation~~  
7 ~~of a license or permit is mandatory pursuant to section 42-2-125 (1) (m),~~  
8 ~~the court shall forward to the department a notice of plea or verdict on the~~  
9 ~~form prescribed by the department. Any revocation pursuant to section~~  
10 ~~42-2-125 (1) (m) shall begin when the department gives notice of such~~  
11 ~~revocation to the person in accordance with section 42-2-119 (2)."~~

12 Renumber succeeding sections accordingly.

13 Page 12, line 25, strike "revoked pursuant" and substitute "revoked  
14 pursuant";

15 line 26, strike "to section 42-2-125 (1) (m), or" and substitute "to section  
16 42-2-125 (1) (m), or".

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