

HB1277\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB17-1277 be amended as follows:

1 Amend printed bill, page 6, line 2, after "DEPARTMENT." add "A PERSON  
2 WHO HAS RECEIVED A NOTICE OF SUSPENSION MAY ALSO REQUEST A  
3 HEARING FOR A PROBATIONARY LICENSE ISSUED IN ACCORDANCE WITH  
4 SUBSECTION (9) OF THIS SECTION."

5 Page 10, line 15, strike "SUSTAINED." and substitute "SUSTAINED AND THE  
6 PRESIDING HEARING OFFICER SHALL THEN CONSIDER WHETHER OR NOT TO  
7 ISSUE A PROBATIONARY LICENSE IN ACCORDANCE WITH SUBSECTION (9) OF  
8 THIS SECTION."

9 Page 11, after line 18 insert:

10 "(9) A PRESIDING HEARING OFFICER MAY ISSUE A PROBATIONARY  
11 LICENSE FOR A PERIOD NOT TO EXCEED THE PERIOD OF SUSPENSION FOR  
12 THE PURPOSE OF DRIVING FOR REASONS OF EMPLOYMENT, EDUCATION,  
13 HEALTH, OR OTHER NECESSITIES AS DETERMINED BY THE PRESIDING  
14 HEARING OFFICER, WHICH LICENSE MAY CONTAIN SUCH RESTRICTIONS AS  
15 THE DEPARTMENT DEEMS REASONABLE AND NECESSARY AND WHICH MAY  
16 THEREAFTER BE SUBJECT TO CANCELLATION AS A RESULT OF ANY  
17 VIOLATION OF THE RESTRICTIONS IMPOSED THEREIN. THE PRESIDING  
18 HEARING OFFICER MAY REFUSE TO ISSUE A PROBATIONARY LICENSE IF THE  
19 DEPARTMENT FINDS THAT AGGRAVATING CIRCUMSTANCES EXIST TO  
20 INDICATE THE INDIVIDUAL IS UNSAFE FOR DRIVING FOR ANY PURPOSE. IN  
21 REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL  
22 MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT SUCH REFUSAL. SUCH  
23 AGGRAVATING CIRCUMSTANCES MUST BE MATTERS OTHER THAN THE  
24 FACTS AND CIRCUMSTANCES OF THE CASE GIVING RISE TO SUSPENSION  
25 UNDER THIS SECTION."

26 Page 11, line 19, strike "(9)" and substitute "(10)".

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