

SENATOR BROMM: So should that amendment be referring to Section 18 instead of 17?

SENATOR LINDSAY: No, because the person...Section 17 is what the...this came through Bill Drafter's, so I am going through...

SENATOR BROMM: Okay.

SENATOR LINDSAY: I mean we told them what we want to do, and they usually do things right, a lot better than I could, but what...Section...Section 18 talks about the certification but I think the authority comes back from Section 17. If you look at the two sections, if you read those two together, I think you will see where I'm coming from.

SENATOR BROMM: Okay, thank you, Senator Lindsay. At this point, I would resist or object to this amendment. I think we need...I think we need additional study and time to think this through. I...this really puts a strict liability on whoever certifies that the license should be revoked and I...I guess there could be a myriad of circumstances, and I don't know if we could think of all of them, but I suppose there is a situation that there is a chance in here for curing the delinquency, and there could be a situation where the delinquency is cured in some fashion without knowledge of the person doing the certifying, and if that, and that would be a mistake, and then you have absolute liability set forth in this amendment, for any loss or damage resulting from the revocation. Whether or not there was any fault on the part of the director or the county attorney or the authorized attorney, it just puts strict liability on them. I don't...I don't think that that's a fair provision at all, and there may be...there may be a way to do what Senator Lindsay wants to do. There are all kinds of...there are hearing opportunities in here. There are certified mail notice to the person who is allegedly delinquent, and he has an opportunity to come forward and explain the circumstances, to bring the account current or to work out a payment schedule, and if he doesn't do any of that, then...then the license revocation could occur. But if there is a clerical error or some problem here that the attorney who is doing the certifying isn't aware of, he is strictly liable for loss or damage without any hearing, without any notice, without any opportunity really to be heard, and I, you know, I don't necessarily say that he doesn't have something here that shouldn't be looked at, but I...I don't think this is the