

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0179.01 Kip Kolkmeier x4510

HOUSE BILL 18-1028

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Court and Tate,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE STANDARD REQUIRED FOR**
102 **APPLICATIONS FOR A COURT ORDER TO REQUIRE COMPLIANCE**
103 **WITH INVESTIGATIONS OF DECEPTIVE TRADE PRACTICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, if a person does not cooperate with an investigation by the attorney general or a district attorney regarding a potential deceptive trade practice, the attorney general or district attorney may seek a court order requiring compliance with the investigation. The application for a court order must state why the order is necessary to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 1, 2018

HOUSE
3rd Reading Unamended
January 30, 2018

HOUSE
2nd Reading Unamended
January 26, 2018

terminate or prevent a deceptive trade practice.

The bill would allow a judge to issue a court order if compliance with an investigation is necessary to investigate a deceptive trade practice.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-109, **amend** (1)
3 introductory portion as follows:

4 **6-1-109. Remedies.** (1) If any person fails to cooperate with any
5 investigation pursuant to section 6-1-107 or fails to obey any subpoena
6 pursuant to section 6-1-108, the attorney general or a district attorney may
7 apply to the appropriate district court for an appropriate order to effect the
8 purposes of this ~~article~~ ARTICLE 1. The application shall state that there
9 are reasonable grounds to believe that the order applied for is necessary
10 to ~~terminate or prevent~~ INVESTIGATE a deceptive trade practice as defined
11 in this ~~article~~ ARTICLE 1. If the court is satisfied that reasonable grounds
12 exist, the court in its order may:

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.