

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0437.01 Duane Gall x4335

HOUSE BILL 14-1125

HOUSE SPONSORSHIP

Mitsch Bush,

SENATE SPONSORSHIP

(None),

House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CIRCUMSTANCES UNDER WHICH A UNIT OWNERS'
102 ASSOCIATION MAY DISCLOSE CONTACT INFORMATION FOR
103 MEMBERS AND RESIDENTS UNDER THE "COLORADO COMMON
104 INTEREST OWNERSHIP ACT".

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://www.leg.state.co.us/billsummaries>.)

The bill specifies that, notwithstanding the general prohibition against sharing personal information about members of a common interest

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

community, the unit owners' association may publish members' and residents' contact information with their prior written consent. Written consent may be given electronically.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-317, **amend**
3 (3.5) as follows:

4 **38-33.3-317. Association records.** (3.5) Records maintained by
5 an association are not subject to inspection and copying, and THEY must
6 be withheld, to the extent that they are or concern:

7 (a) Personnel, salary, or medical records relating to specific
8 individuals; or

9 (b) (I) Personal identification and account information of
10 members AND RESIDENTS, including bank account information, telephone
11 numbers, electronic mail addresses, driver's license numbers, and social
12 security numbers; EXCEPT THAT, NOTWITHSTANDING SECTION
13 38-33.3-104, A MEMBER OR RESIDENT MAY PROVIDE THE ASSOCIATION
14 WITH PRIOR WRITTEN CONSENT TO THE DISCLOSURE OF, AND THE
15 ASSOCIATION MAY PUBLISH TO OTHER MEMBERS AND RESIDENTS, THE
16 PERSON'S TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, OR BOTH. THE
17 WRITTEN CONSENT MUST BE KEPT AS A RECORD OF THE ASSOCIATION AND
18 REMAINS VALID UNTIL THE PERSON WITHDRAWS IT BY PROVIDING THE
19 ASSOCIATION WITH A WRITTEN NOTICE OF WITHDRAWAL OF THE CONSENT.
20 IF A PERSON WITHDRAWS HIS OR HER CONSENT, THE ASSOCIATION IS
21 UNDER NO OBLIGATION TO CHANGE, RETRIEVE, OR DESTROY ANY
22 DOCUMENT OR RECORD PUBLISHED PRIOR TO THE NOTICE OF WITHDRAWAL.

23 (II) AS USED IN THIS PARAGRAPH (b), WRITTEN CONSENT AND
24 NOTICE OF WITHDRAWAL OF THE CONSENT MAY BE GIVEN BY MEANS OF A

1 "RECORD", AS DEFINED IN THE "UNIFORM ELECTRONIC TRANSACTIONS
2 ACT", ARTICLE 71.3 OF TITLE 24, C.R.S., IF THE PARTIES SO AGREE IN
3 ACCORDANCE WITH SECTION 24-71.3-105, C.R.S.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2014 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.