

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0069.01 Jed Franklin x5484

HOUSE BILL 24-1163

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF PET ANIMALS.

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>.)

The bill requires the commissioner of the department of agriculture (commissioner) to develop, implement, and maintain an online pet animal registration system (system).

The bill establishes the pet animal registration enterprise (enterprise) in the department of agriculture to provide business services to pet animal owners who pay pet registration fees to the enterprise by developing, implementing, maintaining, and administering the pet animal registration system, connecting pet animals with their owners and

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

designated caregivers when and after emergencies occur, and protecting pet animals by supporting animal shelters that are caretakers of last resort.

A pet animal owner must register the pet animal in the system annually for a fee set by the enterprise, which must be no more than \$8.50 annually per pet animal with a designated caregiver, \$16 annually per pet animal that is a dog or cat that is not neutered or spayed and has a designated caregiver, and \$25 annually per pet animal without a designated caregiver. The fee set by the enterprise is in addition to any pet registration or licensing fee assessed by any other jurisdiction. The enterprise will collect both state and local fees and transmit any fee levied by another jurisdiction to that jurisdiction and the fee levied by the state to the newly created pet animal registration cash fund. The state's fee will be used to develop, implement, maintain, and administer the system and reimburse animal shelters for the cost of taking custody of a pet animal for which a caregiver cannot be located or has refused to take custody.

The bill also requires a pet animal owner to designate a caregiver for the owner's pet animal. The caregiver is responsible for the care and safekeeping of the pet animal during an emergency that incapacitates the pet animal owner. First responders will use the system to identify the designated caregiver of the pet animal and notify the caregiver of the incapacitation of the pet animal's owner. A caregiver must agree to be responsible for the pet animal. If a caregiver later refuses to take custody of the pet animal or cannot be located, a first responder will place the pet animal in an animal shelter. Only first responders and the department of public health and environment are allowed to use the system.

The bill specifies that to own a pet animal without registering the pet animal; to refuse or fail to comply with the provisions of the bill; to make a material misstatement in a registration application, a registration renewal application, or to the department of agriculture; or to refuse or fail to comply with any rules or regulations adopted by the commissioner is unlawful. An unlawful act is punishable by a civil penalty in an amount set by the commissioner but not to exceed \$100 per unlawful act. If the commissioner is unable to collect the civil penalty, the commissioner may sue to recover the civil penalty or refuse to renew a registration.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 82 to title
3 35 as follows:

4 **ARTICLE 82**

5 **Pet Animal Registration Act**

1 **35-82-101. Short Title.** THE SHORT TITLE OF THIS ARTICLE 82 IS
2 THE "PET ANIMAL REGISTRATION ACT".

3 **35-82-102. Definitions.** AS USED IN THIS ARTICLE 82, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ANIMAL SHELTER" HAS THE SAME MEANING AS SET FORTH IN
6 SECTION 35-80-102 (1).

7 (2) "CAREGIVER" MEANS AN INDIVIDUAL WHO IS DESIGNATED BY
8 AN OWNER TO CARE FOR THE OWNER'S PET ANIMAL DURING AN
9 EMERGENCY AND WHO HAS ACCEPTED THE DESIGNATION.

10 (3) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE
11 OR A DESIGNEE OF THE COMMISSIONER.

12 (4) "DANGEROUS ANIMAL" MEANS ANY PET ANIMAL, EXCEPT A PET
13 ANIMAL ASSISTING A LAW ENFORCEMENT OFFICER ENGAGED IN LAW
14 ENFORCEMENT DUTIES, THAT HAS:

15 (a) CAUSED SERIOUS BODILY INJURY TO ANY INDIVIDUAL OR
16 DOMESTIC ANIMAL OR HAS BEHAVED IN A MANNER THAT WOULD HAVE
17 RESULTED IN SUCH SERIOUS BODILY INJURY EXCEPT FOR THE FACT THAT
18 THERE WAS PHYSICAL INTERVENTION BY AN INDIVIDUAL; OR

19 (b) BEEN PREVIOUSLY ADJUDICATED TO BE A DANGEROUS ANIMAL
20 PURSUANT TO A MUNICIPAL CODE, REGULATION, ORDINANCE, OR A SIMILAR
21 DEFINITION IN ANOTHER JURISDICTION.

22 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

23 (6) "EMERGENCY" MEANS AN UNEXPECTED EVENT THAT PLACES
24 LIFE OR PROPERTY IN DANGER AND REQUIRES AN IMMEDIATE RESPONSE
25 THROUGH THE USE OF STATE AND COMMUNITY RESOURCES AND
26 PROCEDURES.

27 (7) "ENTERPRISE" MEANS THE PET ANIMAL REGISTRATION

1 ENTERPRISE CREATED IN SECTION 35-82-104.

2 (8) "FIRST RESPONDER" MEANS:

3 (a) A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101;

4 (b) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

5 (c) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
6 31-30-1102 (9); OR

7 (d) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
8 SECTION 25-3.5-103 (8).

9 (9) "LIVESTOCK" MEANS A COW, HORSE, MULE, BURRO, SHEEP,
10 POULTRY, SWINE, LLAMA, OR GOAT, REGARDLESS OF USE, ANY ANIMAL
11 THAT IS USED FOR WORKING PURPOSES ON A FARM OR RANCH, AND ANY
12 OTHER ANIMAL DESIGNATED BY THE COMMISSIONER, WHICH ANIMAL IS
13 RAISED FOR FOOD OR FIBER PRODUCTION.

14 (10) "OWNER" MEANS ANY INDIVIDUAL WHO POSSESSES,
15 EXERCISES CONTROL OVER, OR HAS A RIGHT IN PROPERTY OVER A PET
16 ANIMAL. AN OWNER MUST BE EIGHTEEN YEARS OF AGE OR OLDER. IF A
17 PERSON UNDER THE AGE OF EIGHTEEN POSSESSES, EXERCISES CONTROL
18 OVER, OR HAS A PROPERTY RIGHT IN A PET ANIMAL, THE MINOR'S PARENT,
19 GUARDIAN, OR LEGAL CUSTODIAN IS THE OWNER OF THE PET ANIMAL.

20 (11) "PET ANIMAL" MEANS A DOG, CAT, RABBIT, GUINEA PIG,
21 HAMSTER, MOUSE, RAT, GERBIL, FERRET, BIRD, FISH, REPTILE, AMPHIBIAN,
22 INVERTEBRATE, OR ANY OTHER SPECIES OF WILD OR DOMESTIC OR HYBRID
23 ANIMAL SIX MONTHS OF AGE OR OLDER, THAT IS SOLD, TRANSFERRED, OR
24 RETAINED FOR THE PURPOSE OF BEING KEPT AS A HOUSEHOLD PET. "PET
25 ANIMAL" DOES NOT INCLUDE LIVESTOCK, AS DEFINED IN SUBSECTION (9)
26 OF THIS SECTION.

27 (12) "SYSTEM" MEANS THE PET ANIMAL REGISTRATION SYSTEM

1 DEVELOPED, IMPLEMENTED, MAINTAINED, AND ADMINISTERED BY THE
2 DEPARTMENT AS REQUIRED BY SECTION 35-82-104 (1) TO REGISTER A PET
3 ANIMAL, NOTIFY A FIRST RESPONDER THAT A PET ANIMAL IS ON THE
4 PREMISES, NOTIFY A FIRST RESPONDER OF WHETHER THE PET ANIMAL IS IN
5 A CAGE, NOTIFY A FIRST RESPONDER OF WHETHER THE PET ANIMAL IS A
6 DANGEROUS ANIMAL, NOTIFY A CAREGIVER OF AN EMERGENCY THAT
7 REQUIRES THE CAREGIVER INSTEAD OF THE PET ANIMAL'S OWNER, TO CARE
8 FOR THE PET ANIMAL, ENABLE A FIRST RESPONDER TO LOCATE AN ANIMAL
9 SHELTER IF A CAREGIVER CANNOT BE LOCATED OR REFUSES TO TAKE
10 CUSTODY OF THE PET ANIMAL, AND TRACK DISEASE OUTBREAKS AMONG
11 PET ANIMALS.

12 **35-82-103. Enterprise - scope - business purpose - surcharge**
13 **- bonds - legislative declaration.** (1) (a) (I) THE PET ANIMAL
14 REGISTRATION ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE
15 ENTERPRISE IS, AND OPERATES AS, A GOVERNMENT-OWNED BUSINESS
16 WITHIN THE DEPARTMENT IN ORDER TO EXERCISE ITS BUSINESS PURPOSE
17 AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION BY EXERCISING THE
18 POWERS AND PERFORMING THE DUTIES AND FUNCTIONS SET FORTH IN THIS
19 SECTION.

20 (II) THE ENTERPRISE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
21 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
22 FUNCTIONS UNDER THE DEPARTMENT. THE COMMISSIONER IS THE
23 DIRECTOR OF THE ENTERPRISE AND SHALL OVERSEE THE DISCHARGE OF
24 ALL RESPONSIBILITIES OF THE ENTERPRISE.

25 (b) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO PROVIDE
26 BUSINESS SERVICES TO PET ANIMAL OWNERS WHO PAY PET REGISTRATION
27 FEES TO THE ENTERPRISE BY DEVELOPING, IMPLEMENTING, MAINTAINING,

1 AND ADMINISTERING THE SYSTEM, CONNECTING PET ANIMALS WITH THEIR
2 OWNERS AND DESIGNATED CAREGIVERS WHEN AND AFTER EMERGENCIES
3 OCCUR, AND PROTECTING PET ANIMALS BY SUPPORTING ANIMAL SHELTERS
4 THAT ARE CARETAKERS OF LAST RESORT. IN ADDITION TO ANY OTHER
5 POWERS SET FORTH IN THIS ARTICLE 82, TO ALLOW THE ENTERPRISE TO
6 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
7 THROUGH THE COMMISSIONER, THE ENTERPRISE MAY:

8 (I) IMPOSE AN ANNUAL REGISTRATION FEE AS AUTHORIZED BY
9 SECTION 35-82-106 (3); AND

10 (II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND
11 OTHER AVAILABLE MONEY OF THE ENTERPRISE PLEDGED FOR THEIR
12 PAYMENT.

13 (2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

14 (a) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
15 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
16 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
17 WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE
18 CONSTITUTION AND, THEREFORE, IT IS THE CONCLUSION OF THE GENERAL
19 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
20 GENERATED BY FEES, NOT TAXES, BECAUSE THE PET ANIMAL
21 REGISTRATION FEE IMPOSED BY THE ENTERPRISE IS:

22 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
23 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING SERVICES THAT BENEFIT
24 FEE PAYERS AS SPECIFIED IN THIS ARTICLE 82; AND

25 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
26 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;
27 AND

1 (b) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
2 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, ITS
3 REVENUE, INCLUDING THE REVENUE GENERATED BY THE PET ANIMAL
4 REGISTRATION FEE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
5 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
6 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
7 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
8 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
9 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

10 **35-82-104. System.** (1) THE COMMISSIONER SHALL DEVELOP,
11 IMPLEMENT, MAINTAIN, AND ADMINISTER THE SYSTEM. THE SYSTEM MUST
12 BE DEVELOPED AND IMPLEMENTED NO LATER THAN JULY 1, 2025. THE
13 SYSTEM MUST CONSIST OF A WEB PORTAL DEVELOPED BY THE
14 COMMISSIONER THAT ALLOWS AN OWNER TO REGISTER A PET ANIMAL WITH
15 THE STATE, ENABLES A FIRST RESPONDER TO IDENTIFY THE CAREGIVER OF
16 A PET ANIMAL DURING AN EMERGENCY, NOTIFIES THE CAREGIVER OF THE
17 EMERGENCY, ENABLES A FIRST RESPONDER TO LOCATE AN ANIMAL
18 SHELTER IF A CAREGIVER CANNOT BE LOCATED, REFUSES TO TAKE
19 CUSTODY OF THE PET ANIMAL, OR HAS NOT BEEN DESIGNATED, AND
20 TRACKS THE OUTBREAK OF INFECTIOUS DISEASES AMONG PET ANIMALS.

21 (2) THE SYSTEM MUST CAPTURE THE FOLLOWING INFORMATION AT
22 A MINIMUM:

23 (a) THE OWNER'S NAME, ADDRESS, CELLULAR PHONE NUMBER, AND
24 EMAIL ADDRESS;

25 (b) THE PET ANIMAL'S NAME, OWNER, BREED, AGE, AND
26 CAREGIVER, AND WHETHER THE PET ANIMAL IS A DANGEROUS ANIMAL;

27 (c) THE CAREGIVER'S NAME, ADDRESS, CELLULAR PHONE NUMBER,

1 AND EMAIL ADDRESS;

2 (d) THE PET ANIMAL'S REGISTRATION STATUS; AND

3 (e) ANY OTHER INFORMATION REQUIRED BY THE COMMISSIONER
4 PERTAINING TO THE IMPLEMENTATION OF THIS ARTICLE 82.

5 (3) THE SYSTEM MUST BE ACCESSIBLE TO AND SEARCHABLE BY
6 ONLY FIRST RESPONDERS AND THE DEPARTMENT OF PUBLIC HEALTH AND
7 ENVIRONMENT.

8 **35-82-105. Pet animal - registration requirements - first**
9 **responder - emergency - caregiver.** (1) EVERY OWNER OF A PET ANIMAL
10 LOCATED IN THE STATE SHALL ANNUALLY REGISTER THE PET ANIMAL IN
11 THE SYSTEM, DESIGNATE A CAREGIVER, AND PAY THE FEE IMPOSED BY THE
12 ENTERPRISE PURSUANT TO SECTION 35-82-106 (3). AN OWNER SHALL
13 UPDATE THE SYSTEM WITH CURRENT INFORMATION WITHIN THIRTY DAYS
14 OF A CHANGE IN REGISTRATION INFORMATION.

15 (2) DURING AN EMERGENCY THAT CAUSES THE DEATH OR
16 INCAPACITATION OF AN OWNER, A FIRST RESPONDER RESPONDING TO THE
17 SCENE SHALL USE THE SYSTEM TO LOCATE AND CONTACT THE CAREGIVER
18 OF THE PET ANIMAL.

19 (3) IF A CAREGIVER CANNOT BE LOCATED OR A CAREGIVER
20 REFUSES TO TAKE CUSTODY OF THE PET ANIMAL, A FIRST RESPONDER
21 SHALL LOCATE AN ANIMAL SHELTER TO TAKE CUSTODY OF THE PET
22 ANIMAL.

23 (4) THE CAREGIVER OR AN ANIMAL SHELTER SHALL TAKE CUSTODY
24 OF AND RESPONSIBILITY FOR THE PET ANIMAL DURING THE EMERGENCY OR
25 UNTIL THE OWNER IS OTHERWISE AVAILABLE TO CARE FOR THE PET
26 ANIMAL.

27 (5) THE CAREGIVER OR ANIMAL SHELTER SHALL PROVIDE

1 REASONABLE CARE FOR THE PET ANIMAL WHILE IT IS IN THE CAREGIVER OR
2 ANIMAL SHELTER'S CUSTODY.

3 **35-82-106. Powers and duties of commissioner - rules - fees.**

4 (1) THE COMMISSIONER MAY ISSUE RULES FOR THE IMPLEMENTATION OF
5 THIS ARTICLE 82.

6 (2) THE COMMISSIONER HAS THE POWER AND DUTY TO ENFORCE
7 ALL THE PROVISIONS OF THIS ARTICLE 82.

8 (3) THE ENTERPRISE SHALL ASSESS A REGISTRATION FEE TO BE
9 PAID ANNUALLY BY AN OWNER FOR EACH PET ANIMAL REGISTERED IN THE
10 SYSTEM THAT COVERS THE COST OF DEVELOPING, IMPLEMENTING,
11 MAINTAINING, AND ADMINISTERING THE SYSTEM AND THE COST TO AN
12 ANIMAL SHELTER OF TAKING CUSTODY OF A PET ANIMAL WHEN A
13 CAREGIVER CANNOT BE LOCATED OR REFUSES TO TAKE CUSTODY OF THE
14 PET ANIMAL. THE FEE ASSESSED BY THE ENTERPRISE MUST BE NO GREATER
15 THAN EIGHT DOLLARS AND FIFTY CENTS ANNUALLY PER PET ANIMAL WITH
16 A DESIGNATED CAREGIVER, SIXTEEN DOLLARS ANNUALLY PER PET ANIMAL
17 THAT IS A DOG OR CAT THAT IS NOT NEUTERED OR SPAYED AND HAS A
18 DESIGNATED CAREGIVER, AND TWENTY-FIVE DOLLARS ANNUALLY PER PET
19 ANIMAL WITHOUT A DESIGNATED CAREGIVER.

20 (4) THE ENTERPRISE SHALL PROVIDE FOR REASONABLE
21 REIMBURSEMENT FROM THE PET ANIMAL REGISTRATION CASH FUND TO AN
22 ANIMAL SHELTER FOR TAKING CUSTODY OF A PET ANIMAL DURING AN
23 EMERGENCY WHEN A CAREGIVER CANNOT BE LOCATED, REFUSES TO TAKE
24 CUSTODY OF THE PET ANIMAL, OR HAS NOT BEEN DESIGNATED.

25 (5) THE FEE IS IN ADDITION TO ANY FEE SET BY ANY OTHER
26 JURISDICTION FOR PET ANIMAL LICENSURE OR REGISTRATION.

27 (6) THE ENTERPRISE SHALL SIMULTANEOUSLY COLLECT THE FEE IT

1 IMPOSES PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY PET
2 ANIMAL LICENSURE OR REGISTRATION FEE IMPOSED BY ANY OTHER
3 JURISDICTION. THE ENTERPRISE SHALL REMIT ITS FEE TO THE PET ANIMAL
4 REGISTRATION CASH FUND AND ANY OTHER FEE TO THE JURISDICTION
5 IMPOSING THE FEE. THE JURISDICTION IMPOSING THE FEE SHALL NOTIFY
6 THE ENTERPRISE OF THE AMOUNT OF THE FEE NO LATER THAN JANUARY 1,
7 2025.

8 **35-82-107. Cash fund - creation.** (1) THE PET ANIMAL
9 REGISTRATION CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND
10 CONSISTS OF MONEY FROM FEES AND FINES CREDITED TO THE FUND
11 PURSUANT TO SECTIONS 35-82-106 (3) AND 35-82-109 AND ANY OTHER
12 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
13 TO THE FUND.

14 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
15 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
16 PET ANIMAL REGISTRATION CASH FUND TO THE FUND.

17 (3) INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND
18 INVESTMENT OF THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
19 ENTERPRISE FOR DEVELOPING, IMPLEMENTING, MAINTAINING, AND
20 ADMINISTERING THE SYSTEM, NOTIFYING A FIRST RESPONDER THAT A PET
21 ANIMAL IS ON THE PREMISES, NOTIFYING A FIRST RESPONDER WHETHER
22 THE PET ANIMAL IS A DANGEROUS ANIMAL, NOTIFYING A CAREGIVER OF AN
23 EMERGENCY THAT REQUIRES THE CAREGIVER, INSTEAD OF THE PET
24 ANIMAL'S OWNER, TO CARE FOR THE PET ANIMAL, AND ENABLING A FIRST
25 RESPONDER TO LOCATE AN ANIMAL SHELTER IF A CAREGIVER CANNOT BE
26 LOCATED OR REFUSES TO TAKE CUSTODY OF THE PET ANIMAL.

27 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE

1 ENTERPRISE FOR DEVELOPING, IMPLEMENTING, MAINTAINING, AND
2 ADMINISTERING THE SYSTEM, NOTIFYING A FIRST RESPONDER THAT A PET
3 ANIMAL IS ON THE PREMISES, NOTIFYING A FIRST RESPONDER WHETHER
4 THE PET ANIMAL IS A DANGEROUS ANIMAL, NOTIFYING A CAREGIVER OF AN
5 EMERGENCY THAT REQUIRES THE CAREGIVER, INSTEAD OF THE PET
6 ANIMAL'S OWNER, TO CARE FOR THE PET ANIMAL, AND ENABLING A FIRST
7 RESPONDER TO LOCATE AN ANIMAL SHELTER IF A CAREGIVER CANNOT BE
8 LOCATED OR REFUSES TO TAKE CUSTODY OF THE PET ANIMAL.

9 **35-82-108. Unlawful acts.** (1) UNLESS OTHERWISE AUTHORIZED
10 BY LAW, IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE 82 FOR ANY
11 PERSON:

12 (a) TO OWN A PET ANIMAL WITHOUT REGISTERING THE PET ANIMAL
13 AS REQUIRED BY THIS ARTICLE 82;

14 (b) TO REFUSE OR FAIL TO COMPLY WITH THE PROVISIONS OF THIS
15 ARTICLE 82;

16 (c) TO MAKE A MATERIAL MISSTATEMENT IN A REGISTRATION
17 APPLICATION, A REGISTRATION RENEWAL APPLICATION, OR TO THE
18 DEPARTMENT; OR

19 (d) TO REFUSE OR FAIL TO COMPLY WITH ANY RULES OR
20 REGULATIONS ADOPTED BY THE COMMISSIONER PURSUANT TO THIS
21 ARTICLE 82 OR TO ANY LAWFUL ORDER ISSUED BY THE COMMISSIONER.

22 **35-82-109. Civil penalties.** (1) ANY PERSON WHO VIOLATES ANY
23 PROVISION OF THIS ARTICLE 82 OR ANY RULE ADOPTED PURSUANT TO THIS
24 ARTICLE 82 IS SUBJECT TO A CIVIL PENALTY, AS DETERMINED BY THE
25 COMMISSIONER. THE MAXIMUM PENALTY SHALL NOT EXCEED ONE
26 HUNDRED DOLLARS PER VIOLATION.

27 (2) NO CIVIL PENALTY MAY BE IMPOSED UNLESS THE PERSON

1 CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A HEARING PURSUANT
2 TO ARTICLE 4 OF TITLE 24.

3 (3) IF THE COMMISSIONER IS UNABLE TO COLLECT SUCH CIVIL
4 PENALTY OR IF ANY INDIVIDUAL FAILS TO PAY ALL OR A SET PORTION OF
5 THE CIVIL PENALTY AS DETERMINED BY THE COMMISSIONER, THE
6 COMMISSIONER MAY:

7 (a) BRING SUIT TO RECOVER THE AMOUNT OF THE CIVIL PENALTY
8 PLUS COSTS AND ATTORNEY FEES BY ACTION IN ANY COURT OF COMPETENT
9 JURISDICTION; OR

10 (b) REFUSE TO RENEW ANY REGISTRATION AUTHORIZED UNDER
11 THIS ARTICLE 82 THAT WAS ISSUED TO AN INDIVIDUAL WHO HAS NOT PAID
12 THE CIVIL PENALTY PURSUANT TO SUBSECTION (1) OF THIS SECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **amend**
14 (5)(ccc) and (5)(ddd); and **add** (5)(eee) as follows:

15 **24-75-402. Cash funds - limit on uncommitted reserves -**
16 **reduction in the amount of fees - exclusions - definitions.**

17 (5) Notwithstanding any provision of this section to the contrary, the
18 following cash funds are excluded from the limitations specified in this
19 section:

20 (ccc) The wildfire resiliency code board cash fund created in
21 section 24-33.5-1236 (8); ~~and~~

22 (ddd) The closed landfill remediation grant program fund created
23 in section 30-20-124 (8); AND

24 (eee) THE PET ANIMAL REGISTRATION CASH FUND CREATED IN
25 SECTION 35-82-107 (1).

26 **SECTION 3. Effective date.** This act takes effect July 1, 2024.

27 **SECTION 4. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.