

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0911.01 Thomas Morris

HOUSE BILL 11-1292

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF FORMS ESTABLISHED BY STATE
102 GOVERNMENT.

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.>)

Section 4 of the bill authorizes a person to rely on forms provided by state government. The other sections of the bill authorize the attorney general and district attorneys to use electronic or paper forms in connection with consumer protections, unfair trade practices, antitrust matters, and charitable solicitations.

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.

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

2 **SECTION 1.** 6-1-104, Colorado Revised Statutes, is amended to
3 read:

4 **6-1-104. Cooperative reporting.** The district attorneys may
5 cooperate in a statewide reporting system by receiving, on ELECTRONIC
6 OR PAPER forms provided by the attorney general, complaints from
7 persons concerning deceptive trade practices listed in section 6-1-105 and
8 part 7 of this article and transmitting ~~such~~ THE complaints to the attorney
9 general.

10 **SECTION 2.** The introductory portion to 6-1-107 (1) and 6-1-107
11 (1) (a), Colorado Revised Statutes, are amended to read:

12 **6-1-107. Powers of attorney general and district attorneys.**
13 (1) When the attorney general or a district attorney has cause to believe
14 that ~~any~~ A person has engaged in or is engaging in ~~any~~ A deceptive trade
15 practice listed in section 6-1-105 or part 7 of this article, the attorney
16 general or district attorney may:

17 (a) Request ~~such~~ THE person to file a statement or report in writing
18 under oath or otherwise, on ELECTRONIC OR PAPER forms prescribed by
19 him OR HER, as to all facts and circumstances concerning the sale or
20 advertisement of property by ~~such~~ THE person and any other data and
21 information he OR SHE deems necessary;

22 **SECTION 3.** 6-1-108 (1), Colorado Revised Statutes, is amended
23 to read:

24 **6-1-108. Subpoenas - hearings - rules.** (1) The attorney general
25 or a district attorney, in addition to other powers conferred upon him OR
26 HER by this article, may issue subpoenas to require the attendance of

1 witnesses or the production of documents, administer oaths, conduct
2 hearings in aid of any investigation or inquiry, and prescribe ~~such~~
3 ELECTRONIC OR PAPER forms and promulgate ~~such~~ rules as may be
4 necessary to administer ~~the provisions of~~ this article.

5 **SECTION 4.** Part 7 of article 1 of title 6, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **6-1-723. Forms.** (1) A PERSON:

9 (a) MAY RELY UPON THE ACCURACY AND COMPLETENESS OF AN
10 ELECTRONIC OR PAPER FORM PROVIDED BY THE EXECUTIVE, LEGISLATIVE,
11 OR JUDICIAL BRANCH OF COLORADO GOVERNMENT;

12 (b) IS NOT LIABLE FOR THE RELIANCE UPON THE ACCURACY,
13 COMPLETENESS, OR BOTH OF A FORM PROVIDED BY THE EXECUTIVE,
14 LEGISLATIVE, OR JUDICIAL BRANCH OF COLORADO GOVERNMENT IF THE
15 FORM ITSELF CONTAINS AN ERROR OR OMISSION;

16 (c) MAY, IF THE PERSON CLEARLY AND CONSPICUOUSLY STATES
17 THAT THE PRODUCT IS NOT A SUBSTITUTE FOR THE ADVICE OF AN
18 ATTORNEY, DESIGN, CREATE, PUBLISH, ASSEMBLE, COMPLETE, DISTRIBUTE,
19 DISPLAY, OR SELL, INCLUDING BY MEANS OF AN INTERNET WEB SITE, THE
20 FOLLOWING TYPES OF BASIC LEGAL MATERIALS: DOCUMENTS; WRITTEN
21 MATERIALS; BOOKS; FORMS; COMPUTER SOFTWARE; OR SIMILAR
22 PRODUCTS; AND

23 (d) MAY USE AND AUGMENT ELECTRONIC OR PAPER LEGAL FORMS
24 PROVIDED BY THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF
25 COLORADO GOVERNMENT.

26 **SECTION 5.** 6-2-111.5 (1) (b), Colorado Revised Statutes, is
27 amended to read:

1 **6-2-111.5. Civil discovery requests.** (1) When the attorney
2 general has reasonable cause to believe that any person, partnership, firm,
3 corporation, joint stock company, or other association has engaged in or
4 is engaging in a violation of any provision of this article, the attorney
5 general may:

6 (b) Issue subpoenas to require the attendance of witnesses or the
7 production of relevant documents, administer oaths, conduct hearings in
8 aid of an investigation or inquiry, and prescribe ~~such~~ ELECTRONIC OR
9 PAPER forms and promulgate ~~such~~ rules as may reasonably be deemed to
10 be necessary to administer ~~the provisions of~~ this article; and

11 **SECTION 6.** 6-4-110 (1) (b), Colorado Revised Statutes, is
12 amended to read:

13 **6-4-110. Civil discovery request.** (1) When the attorney general
14 has reasonable cause to believe that any person has engaged in or is
15 engaging in a violation of any provision of this article or of any provision
16 of the federal antitrust statutes that may be enforced by the attorney
17 general, the attorney general may:

18 (b) Issue subpoenas to require the attendance of witnesses or the
19 production of relevant documents, administer oaths, conduct hearings in
20 aid of an investigation or inquiry, and prescribe ~~such~~ ELECTRONIC OR
21 PAPER forms and promulgate ~~such~~ rules as may reasonably be deemed to
22 be necessary to administer ~~the provisions of~~ this section; and

23 **SECTION 7.** 6-16-104 (4), Colorado Revised Statutes, is
24 amended to read:

25 **6-16-104. Charitable organizations - initial registration -**
26 **annual filing - fees.** (4) The registration of a charitable organization
27 shall be amended annually, on ELECTRONIC OR PAPER forms prescribed by

1 the secretary of state, to reflect any changes of name, address, principals,
2 corporate forms, tax status, and any other changes that materially affect
3 the identity or business of the charitable organization. Annual
4 amendments shall be filed at the same time as and together with any
5 financial report required in subsection (5) of this section regardless of
6 when the charitable organization filed its initial registration pursuant to
7 subsection (1) of this section.

8 **SECTION 8. Act subject to petition - effective date -**
9 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
10 following the expiration of the ninety-day period after final adjournment
11 of the general assembly (August 10, 2011, if adjournment sine die is on
12 May 11, 2011); except that, if a referendum petition is filed pursuant to
13 section 1 (3) of article V of the state constitution against this act or an
14 item, section, or part of this act within such period, then the act, item,
15 section, or part shall not take effect unless approved by the people at the
16 general election to be held in November 2012 and shall take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) The provisions of this act shall apply to forms provided on or
19 after the applicable effective date of this act.