

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

**REREVISED**

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

LLS NO. 22-0038.01 Jennifer Berman x3286

**SENATE BILL 22-157**

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ENFORCEMENT OF LAWS RELATING TO UNFAIR**  
102 **BUSINESS PRACTICES COMMITTED BY REGULATED PERSONS.**

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**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 authorizes a district attorney or a deputy or assistant district attorney, in investigating a complaint alleging a violation of consumer protection laws, to request records from a state or local licensing authority (licensing authority) for information regarding a person that the licensing authority regulates (regulated person) and that is the subject of the complaint if the complaint alleges:

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.

HOUSE  
3rd Reading Unamended  
April 18, 2022

HOUSE  
Amended 2nd Reading  
April 14, 2022

SENATE  
3rd Reading Unamended  
March 31, 2022

SENATE  
Amended 2nd Reading  
March 30, 2022

- The complainant suffered damages in an amount of at least \$20,000 and the district attorney determines the amount alleged appears to be reasonable in relation to the alleged conduct forming the basis of the complaint; or
- Two or more regulated persons jointly engaged in conduct that forms the basis of the complaint.

The licensing authority shall share with, and allow inspection of its records by, the district attorney upon receipt of such request if the licensing authority has already determined not to take action against the regulated person or persons.

Additionally, the bill authorizes a state licensing authority, subject to approval by the head of the executive department in which the state licensing authority is located, to enter into an interagency agreement with the attorney general or the attorney general's designee for the referral of complaints alleging violations of consumer protection laws.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 6-1-116 as  
3 follows:

4           **6-1-116. Investigation of unfair business practices by**  
5 **regulated persons - district attorney requests for records from**  
6 **licensing authorities - interagency agreements with attorney general**  
7 **- legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY  
8 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

9           (a) FEDERAL AND STATE CONSUMER PROTECTION AND UNFAIR  
10 TRADE LAWS, SUCH AS THOSE PROHIBITING UNFAIR OR DECEPTIVE TRADE  
11 PRACTICES, PRICE FIXING, AND MONOPOLIZATION, EXIST TO PROTECT  
12 CONSUMERS AGAINST UNFAIR BUSINESS PRACTICES THAT UNDERMINE FAIR  
13 COMPETITION, A THRIVING SMALL BUSINESS SECTOR, AND CONSUMERS'  
14 RIGHTS TO MAKE INFORMED ECONOMIC DECISIONS;

15           (b) DISTRICT ATTORNEYS AND THE ATTORNEY GENERAL ARE  
16 TASKED WITH, AND HAVE THE EXPERTISE NEEDED FOR, ENFORCING  
17 CONSUMER PROTECTION LAWS IN THE STATE;

1 (c) A LICENSING AUTHORITY MIGHT HAVE INFORMATION RELEVANT  
2 TO A COMPLAINT ALLEGING THAT A PERSON THAT THE LICENSING  
3 AUTHORITY REGULATES HAS COMMITTED UNFAIR OR DECEPTIVE TRADE  
4 PRACTICES; AND

5 (d) THEREFORE, IT BEST SERVES THE CONSUMER PROTECTION  
6 INTERESTS OF THE STATE TO ALLOW A LICENSING AUTHORITY TO SHARE  
7 WITH A DISTRICT ATTORNEY OR THE ATTORNEY GENERAL INFORMATION  
8 REGARDING A REGULATED PERSON, WHICH INFORMATION MAY BE  
9 RELEVANT TO A CONSUMER PROTECTION INVESTIGATION OF THE  
10 REGULATED PERSON.

11 (2) (a) UPON RECEIVING A COMPLAINT ALLEGING A VIOLATION OF  
12 THE CONSUMER PROTECTION LAWS SET FORTH IN THIS ARTICLE 1, A  
13 DISTRICT ATTORNEY MAY REQUEST RECORDS FROM A LICENSING  
14 AUTHORITY REGARDING A PERSON THAT IS THE SUBJECT OF THE  
15 COMPLAINT IF THE COMPLAINT ALLEGES THAT:

16 (I) THE COMPLAINANT SUFFERED DAMAGES IN AN AMOUNT OF AT  
17 LEAST TWENTY THOUSAND DOLLARS AND THE DISTRICT ATTORNEY  
18 DETERMINES THE AMOUNT OF DAMAGES ALLEGED APPEARS TO BE A  
19 REASONABLE AMOUNT IN RELATION TO THE ALLEGED CONDUCT FORMING  
20 THE BASIS OF THE COMPLAINT; OR

21 (II) TWO OR MORE PERSONS REGULATED BY THE LICENSING  
22 AUTHORITY JOINTLY ENGAGED IN CONDUCT THAT FORMS THE BASIS OF THE  
23 COMPLAINT.

24 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW THAT MAY  
25 PROHIBIT A LICENSING AUTHORITY FROM COMPLYING WITH THIS  
26 SUBSECTION (2), TO FACILITATE THE DISTRICT ATTORNEY'S INVESTIGATION  
27 INTO AND ENFORCEMENT OF THE COMPLAINT, A LICENSING AUTHORITY

1 SHALL PROVIDE THE DISTRICT ATTORNEY WITH COPIES OF, OR ACCESS TO  
2 INSPECT, THE RECORDS REQUESTED IF THE LICENSING AUTHORITY HAS  
3 ALREADY DETERMINED IT WILL NOT TAKE ACTION AGAINST THE  
4 REGULATED PERSON OR PERSONS.

5 (c) THIS SUBSECTION (2) DOES NOT APPLY TO A PERSON  
6 REGULATED BY A BOARD OR COMMISSION.

7 (3) IN ADDITION TO THE COSTS AND ATTORNEY FEES THAT THE  
8 REGULATED PERSON OR PERSONS COMPLAINED OF ARE ENTITLED TO  
9 RECOVER FROM THE COMPLAINANT PURSUANT TO SECTION 6-1-113 (3), IF  
10 A COURT DETERMINES THAT THE COMPLAINT IS FRIVOLOUS, GROUNDLESS,  
11 AND WAS FILED IN BAD FAITH, OR IF THE REGULATED PERSON OR PERSONS  
12 PREVAIL OR SUBSTANTIALLY PREVAIL IN THE MATTER, THE COURT'S ORDER  
13 MAY ALSO REQUIRE THE COMPLAINANT TO PAY THE REGULATED PERSON'S  
14 OR PERSONS' COSTS INCURRED, ACTUAL DAMAGES SUSTAINED, AND  
15 REASONABLE ATTORNEY FEES INCURRED IN RELATION TO:

16 (a) THE DISTRICT ATTORNEY'S OR ATTORNEY GENERAL'S  
17 INVESTIGATION OF THE MATTER; AND

18 (b) THE LICENSING AUTHORITY'S INVESTIGATION OF A COMPLAINT  
19 AGAINST THE REGULATED PERSON OR PERSONS IF THE COURT DETERMINES  
20 THAT THE TWO COMPLAINTS WERE FILED BY THE SAME COMPLAINANT AND  
21 IN REGARD TO THE SAME MATTER.

22 (4) SUBJECT TO APPROVAL BY THE HEAD OF AN EXECUTIVE  
23 DEPARTMENT, A STATE LICENSING AUTHORITY WITHIN THE DEPARTMENT  
24 MAY ENTER INTO AN INTERAGENCY AGREEMENT WITH THE ATTORNEY  
25 GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE FOR THE REFERRAL OF  
26 ANY COMPLAINT THAT APPEARS TO ALLEGE A VIOLATION OF THIS ARTICLE  
27 1 OR ARTICLE 2 OR 4 OF THIS TITLE 6. THE INTERAGENCY AGREEMENT MAY

1 PROVIDE FOR REFERRALS OF COMPLAINTS, INFORMATION SHARING,  
2 CONFIDENTIALITY REQUIREMENTS, AND OTHER TERMS THAT FACILITATE  
3 THE INVESTIGATION AND ENFORCEMENT OF COMPLAINTS ALLEGING  
4 VIOLATIONS OF CONSUMER PROTECTION OR UNFAIR TRADE LAWS.

5 (5) ANY COPIES OF RECORDS THAT A LICENSING AUTHORITY SENDS  
6 TO A DISTRICT ATTORNEY, THE ATTORNEY GENERAL, OR THE ATTORNEY  
7 GENERAL'S DESIGNEE PURSUANT TO THIS SECTION ARE RECORDS OF THE  
8 INVESTIGATION OF A PROSECUTING ATTORNEY PURSUANT TO SECTION  
9 24-72-204 (2)(a)(I) AND ARE NOT SUBJECT TO THE RIGHT OF INSPECTION  
10 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF  
11 TITLE 24.

12 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 (a) "DISTRICT ATTORNEY" INCLUDES THE DISTRICT ATTORNEY AND  
15 THE CHIEF DEPUTY DISTRICT ATTORNEYS, SPECIAL DEPUTY DISTRICT  
16 ATTORNEYS, DEPUTY DISTRICT ATTORNEYS, AND ASSISTANT DISTRICT  
17 ATTORNEYS THAT THE DISTRICT ATTORNEY APPOINTS PURSUANT TO PART  
18 2 OF ARTICLE 1 OF TITLE 20.

19 (b) "LICENSING AUTHORITY" MEANS A STATE LICENSING  
20 AUTHORITY OR A LOCAL LICENSING AUTHORITY.

21 (c) "LOCAL LICENSING AUTHORITY" MEANS THE GOVERNING BODY  
22 OF A STATUTORY OR HOME RULE MUNICIPALITY, COUNTY, OR CITY AND  
23 COUNTY THAT IS AUTHORIZED TO ISSUE OR APPROVE A LOCAL LICENSE TO  
24 A REGULATED PERSON OR FOR AN ACTIVITY.

25 (d) (I) "STATE LICENSING AUTHORITY" MEANS A DEPARTMENT OR  
26 DIVISION OF THE STATE THAT IS AUTHORIZED TO ISSUE TO OR APPROVE A  
27 STATE LICENSE FOR A REGULATED PERSON, WHICH STATE LICENSE ONLY

1     AUTHORIZES THE LICENSEE TO PERFORM ACTIVITIES AT SPECIFIC PREMISES.

2             (II) "STATE LICENSING AUTHORITY" DOES NOT INCLUDE ANY  
3 BOARD OR COMMISSION.

4             **SECTION 2.** In Colorado Revised Statutes, 24-31-101, **amend**  
5 (1)(p) and (1)(q); and **add** (1)(r) as follows:

6             **24-31-101. Powers and duties of attorney general.** (1) The  
7 attorney general:

8             (p) May bring a civil action to enforce the provisions of section  
9 24-31-113; ~~and~~

10            (q) May bring a civil action to enforce the provisions of section  
11 24-31-307 (2) or a criminal action to enforce the provisions of section  
12 24-31-307 (3); AND

13            (r) MAY ENTER INTO INTERAGENCY AGREEMENTS PURSUANT TO  
14 SECTION 6-1-116 (4).

15            **SECTION 3. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly; except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within such period, then the act, item, section, or part will not take  
21 effect unless approved by the people at the general election to be held in  
22 November 2022 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.