

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0590.01 Yelana Love x2295

HOUSE BILL 17-1112

HOUSE SPONSORSHIP

Van Winkle,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMMUNITY FROM PENALTIES FOR THE UNAUTHORIZED**
102 **PRACTICE OF A PROFESSION REGULATED BY THE DEPARTMENT**
103 **OF REGULATORY AGENCIES FOR INDIVIDUALS WHO MEET**
104 **CERTAIN REQUIREMENTS.**

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 provides immunity from civil and administrative penalties for the unauthorized practice of a profession by an individual who meets certain requirements.

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.

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

SECTION 1. In Colorado Revised Statutes, **add** article 72 to title 12 as follows:

ARTICLE 72

Immunity for the Unauthorized Practice of a Profession

12-72-101. Voluntary disclosure of unauthorized practice - presumption against imposition of administrative or civil penalties.

8 (1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS TITLE 12 TO THE
9 CONTRARY, AN INDIVIDUAL WHO MAKES A VOLUNTARY DISCLOSURE OF
10 THE UNAUTHORIZED PRACTICE OF A PROFESSION TO THE DEPARTMENT OF
11 REGULATORY AGENCIES IS IMMUNE FROM ANY ADMINISTRATIVE AND CIVIL
12 PENALTIES ASSOCIATED WITH THE UNAUTHORIZED PRACTICE DISCLOSED
13 IF:

14 (a) THE INDIVIDUAL INITIATES THE CONTACT WITH THE
15 DEPARTMENT OF REGULATORY AGENCIES;

16 (b) THE INDIVIDUAL MAKES THE DISCLOSURE IN AN ATTEMPT TO
17 DETERMINE WHETHER A PARTICULAR ACT CONSTITUTES THE
18 UNAUTHORIZED PRACTICE OF A PROFESSION:

19 (c) THE INDIVIDUAL HAS NOT PREVIOUSLY BEEN FOUND TO HAVE
20 ENGAGED IN THE UNAUTHORIZED PRACTICE OF A PROFESSION;

21 (d) THE INDIVIDUAL IS LICENSED, REGISTERED, OR OTHERWISE
22 AUTHORIZED TO PRACTICE A PROFESSION REGULATED BY THE
23 DEPARTMENT OF REGULATORY AGENCIES; AND

24 (e) THE UNAUTHORIZED PRACTICE IS IN A FIELD RELATED TO THE
25 FIELD FOR WHICH THE INDIVIDUAL IS LICENSED, REGULATED, OR
26 OTHERWISE AUTHORIZED TO PRACTICE

1 **SECTION 2. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly (August 9, 2017, if adjournment sine die is on May 10,
5 2017); except that, if a referendum petition is filed pursuant to section 1
6 (3) of article V of the state constitution against this act or an item, section,
7 or part of this act within such period, then the act, item, section, or part
8 will not take effect unless approved by the people at the general election
9 to be held in November 2018 and, in such case, will take effect on the
10 date of the official declaration of the vote thereon by the governor.

11 (2) This act applies to disclosures made on or after the applicable
12 effective date of this act.