

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0766.01 Jery Payne x2157

**HOUSE BILL 16-1335**

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**HOUSE SPONSORSHIP**

**Pabon and Melton**, Arndt, Duran, Garnett, Ginal, Lontine, Moreno, Salazar, Singer, Vigil,  
Young

**SENATE SPONSORSHIP**

**Steadman**, Aguilar, Garcia, Guzman, Ulibarri

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE UNLAWFUL SALE OF CERTAIN PUBLICLY PROVIDED**  
102      **GOVERNMENT SERVICES.**

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

The bill prohibits a person from reserving or obtaining and selling, intending to sell, bundling in a sale, or selling without obtaining a government service or appointment publicly available without charge. The prohibition does not apply when the person has consent from the government entity or when the person is selling or offering to sell only information. A violation of the prohibition is a class 1 misdemeanor. The

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.*

bill also makes a violation a deceptive trade practice, which allows the attorney general and district attorneys to seek civil penalties for a violation.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 18-8-117 as  
3 follows:

4           **18-8-117. Unlawful sale of publicly provided services or**  
5 **appointments.** (1) A PERSON COMMITS AN UNLAWFUL SALE OF PUBLIC  
6 SERVICES IF THE PERSON DOES ANY OF THE FOLLOWING WITH RESPECT TO  
7 A GOVERNMENT SERVICE OR AN APPOINTMENT TO RECEIVE A  
8 GOVERNMENT SERVICE AND IF A GOVERNMENT ENTITY MAKES THE  
9 SERVICE OR APPOINTMENT PUBLICLY AVAILABLE WITHOUT CHARGE:

10           (a) THE PERSON RESERVES OR OBTAINS THE SERVICE OR  
11 APPOINTMENT, AND THE PERSON SELLS THE SERVICE OR APPOINTMENT;

12           (b) THE PERSON RESERVES OR OBTAINS, WITH THE INTENT TO SELL,  
13 THE SERVICE OR APPOINTMENT;

14           (c) THE PERSON RESERVES OR OBTAINS THE SERVICE OR  
15 APPOINTMENT, AND THE PERSON APPENDS THE SERVICE OR APPOINTMENT  
16 TO ANOTHER GOOD OR SERVICE THE PERSON OFFERS FOR SALE; OR

17           (d) THE PERSON FALSELY REPRESENTS TO THE POTENTIAL  
18 CUSTOMER THAT THE PERSON HAS OBTAINED OR SECURED THE SERVICE OR  
19 APPOINTMENT, AND THE PERSON ATTEMPTS TO SELL THE SERVICE OR  
20 APPOINTMENT.

21           (2) THIS SECTION DOES NOT APPLY WHEN THE PERSON:

22           (a) HAS CONSENT FROM THE GOVERNMENT ENTITY TO SELL THE  
23 SPECIFIC SERVICE OR APPOINTMENT OBTAINED OR RESERVED; OR

24           (b) IS OBTAINING AND SELLING OR OFFERING TO SELL ONLY

1 INFORMATION.

2 (3) UNLAWFUL SALE OF PUBLIC SERVICES IS A CLASS 1  
3 MISDEMEANOR, AS DEFINED IN SECTION 18-1.3-501.

4 (4) AS USED IN THIS SECTION, "GOVERNMENT ENTITY" MEANS THE  
5 STATE OF COLORADO, A POLITICAL SUBDIVISION OF COLORADO, OR AN  
6 AGENCY OF EITHER THE STATE OF COLORADO OR A POLITICAL SUBDIVISION  
7 OF COLORADO.

8 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add** (1) (iii)  
9 as follows:

10 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
11 deceptive trade practice when, in the course of the person's business,  
12 vocation, or occupation, the person:

13 (iii) VIOLATES SECTION 6-1-726.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-726 as  
15 follows:

16 **6-1-726. Sale of public services.** (1) A PERSON ENGAGES IN A  
17 DECEPTIVE TRADE PRACTICE WHEN, IN THE COURSE OF THE PERSON'S  
18 BUSINESS, VOCATION, OR OCCUPATION, THE PERSON DOES ANY OF THE  
19 FOLLOWING WITH RESPECT TO A GOVERNMENT SERVICE OR AN  
20 APPOINTMENT TO RECEIVE A GOVERNMENT SERVICE AND IF A  
21 GOVERNMENT ENTITY MAKES THE SERVICE OR APPOINTMENT PUBLICLY  
22 AVAILABLE WITHOUT CHARGE:

23 (a) THE PERSON RESERVES OR OBTAINS THE SERVICE OR  
24 APPOINTMENT, AND THE PERSON SELLS THE SERVICE OR APPOINTMENT;

25 (b) THE PERSON RESERVES OR OBTAINS, WITH THE INTENT TO SELL,  
26 THE SERVICE OR APPOINTMENT;

27 (c) THE PERSON RESERVES OR OBTAINS THE SERVICE OR

1 APPOINTMENT, AND THE PERSON APPENDS THE SERVICE OR APPOINTMENT  
2 TO ANOTHER GOOD OR SERVICE THE PERSON OFFERS FOR SALE; OR

3 (d) THE PERSON FALSELY REPRESENTS TO THE POTENTIAL  
4 CUSTOMER THAT THE PERSON HAS OBTAINED OR SECURED THE SERVICE OR  
5 APPOINTMENT, AND THE PERSON ATTEMPTS TO SELL THE SERVICE OR  
6 APPOINTMENT.

7 (2) THIS SECTION DOES NOT APPLY WHEN THE PERSON:

8 (a) HAS CONSENT FROM THE GOVERNMENT ENTITY TO SELL THE  
9 SPECIFIC SERVICE OR APPOINTMENT OBTAINED OR RESERVED; OR

10 (b) IS OBTAINING AND SELLING OR OFFERING TO SELL ONLY  
11 INFORMATION.

12 (3) AS USED IN THIS SECTION, "GOVERNMENT ENTITY" MEANS THE  
13 STATE OF COLORADO, A POLITICAL SUBDIVISION OF COLORADO, OR AN  
14 AGENCY OF EITHER THE STATE OF COLORADO OR A POLITICAL SUBDIVISION  
15 OF COLORADO.

16 **SECTION 4. Effective date - applicability.** This act takes effect  
17 July 1, 2016, and applies to offenses committed on or after said date.

18 **SECTION 5. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.