

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 17-0246.01 Richard Sweetman x4333

HOUSE BILL 17-1095

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Kagan,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SERVICE OF PROCESS TO INDIVIDUALS WHO LIVE IN**
102 **SECURED RESIDENTIAL COMMUNITIES.**

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 sets forth several means by which a process server may serve process on another person when the process server is denied access to the other person's residential community by one or more security officers or security devices. Service of process by any of these alternative means constitutes valid service of process.

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.*

HOUSE
3rd Reading Unamended
May 1, 2017

HOUSE
Amended 2nd Reading
April 27, 2017

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 12-61-1015** as
3 follows:

4 **12-61-1015. Service of process to residents - service of process**
5 **by private investigators - immunity from liability.** (1) A PRIVATE
6 INVESTIGATOR WHO IS LICENSED PURSUANT TO SECTION 12-58.5-106 IS
7 AUTHORIZED TO SERVE PROCESS TO A RESIDENT OF A COMMON INTEREST
8 COMMUNITY AND MAY ENTER THE COMMON INTEREST COMMUNITY FOR A
9 REASONABLE PERIOD OF TIME FOR THE SOLE PURPOSE OF SERVING PROCESS
10 AFTER HE OR SHE PRESENTS A COPY OF HIS OR HER PRIVATE
11 INVESTIGATOR'S LICENSE AND A COPY OF THE DOCUMENTS TO BE SERVED.

12 (2) THIS SECTION APPLIES ONLY TO COMMON INTEREST
13 COMMUNITIES THAT ARE STAFFED BY ONE OR MORE SECURITY PERSONNEL
14 AT THE TIME THAT A LICENSED PRIVATE INVESTIGATOR ATTEMPTS TO
15 SERVE PROCESS TO A RESIDENT. A COMMON INTEREST COMMUNITY THAT
16 IS NOT STAFFED SHALL ADOPT AND IMPLEMENT A PROCEDURE FOR
17 ALLOWING LEGITIMATE SERVICE OF PROCESS TO RESIDENTS.

18 (3) A LICENSED PRIVATE INVESTIGATOR WHO IS ALLOWED ACCESS
19 TO A COMMON INTEREST COMMUNITY TO SERVE PROCESS TO A RESIDENT
20 PURSUANT TO THIS SECTION SHALL NOT USE SUCH ACCESS TO PERFORM
21 ANY INVESTIGATIVE ACTIVITIES.

22 (4) NEITHER AN HOA NOR A COMMUNITY ASSOCIATION MANAGER
23 OF A COMMON INTEREST COMMUNITY IS CIVILLY LIABLE FOR ANY
24 DAMAGES CAUSED BY A PROCESS SERVER WHO ENTERS THE COMMON
25 INTEREST COMMUNITY TO SERVE PROCESS TO A RESIDENT, AS DESCRIBED
26 IN SUBSECTION (1) OF THIS SECTION, UNLESS SUCH DAMAGES ARE AT LEAST

1 PARTIALLY ATTRIBUTABLE TO A NEGLIGENT ACT OR OMISSION BY THE
2 HOA OR COMMUNITY ASSOCIATION MANAGER.

3 **SECTION 2.** In Colorado Revised Statutes, 13-1-125, **add (4)** as
4 follows:

5 **13-1-125. Service of process - service of process in multi-unit**
6 **residential communities.** (4) (a) ON AND AFTER THE EFFECTIVE DATE OF
7 THIS SUBSECTION (4), A PROPERTY MANAGER OR PROPERTY MANAGEMENT
8 COMPANY THAT MANAGES A MULTI-UNIT RESIDENTIAL COMMUNITY AND
9 THAT RESTRICTS ACCESS TO THE COMMUNITY BY NONRESIDENTS SHALL
10 ESTABLISH AND MAINTAIN A POLICY TO FACILITATE THE SERVICE OF
11 PROCESS TO RESIDENTS OF THE COMMUNITY.

12 (b) AS USED IN THIS SECTION, "PROPERTY MANAGER" INCLUDES,
13 BUT IS NOT LIMITED TO, A COMMUNITY ASSOCIATION MANAGER, AS
14 DEFINED IN SECTION 12-61-1001 (5), AND A DESIGNATED MANAGER, AS
15 DEFINED IN SECTION 12-61-1001 (5.5), OF A MULTI-UNIT RESIDENTIAL
16 COMMUNITY.

17 **SECTION 3.** In Colorado Revised Statutes, **add** part 7 to article
18 12 of title 38 as follows:

19 **PART 7**

20 **SERVICE OF PROCESS TO RESIDENTS**

21 **38-12-701. Service of process to residents - immunity from**
22 **liability.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A
23 LANDLORD OF A RESIDENTIAL PREMISES SHALL ADOPT AND IMPLEMENT A
24 POLICY TO FACILITATE THE SERVICE OF PROCESS TO RESIDENTS OF THE
25 RESIDENTIAL PREMISES.

26 (2) A LANDLORD OF A RESIDENTIAL PREMISES IS NOT CIVILLY
27 LIABLE FOR ANY DAMAGES CAUSED BY A PROCESS SERVER WHO ENTERS

1 THE RESIDENTIAL PREMISES TO SERVE PROCESS TO A RESIDENT UNLESS
2 SUCH DAMAGES ARE AT LEAST PARTIALLY ATTRIBUTABLE TO A NEGLIGENT
3 ACT OR OMISSION BY THE LANDLORD.

4 (3) AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "LANDLORD" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 38-12-502 (3).

8 (b) "RESIDENTIAL PREMISES" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 38-12-502 (5).

10 **SECTION 4. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.