

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0179.01 Kip Kolkmeier x4510

HOUSE BILL 18-1028

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Court and Tate,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE STANDARD REQUIRED FOR**
102 **APPLICATIONS FOR A COURT ORDER TO REQUIRE COMPLIANCE**
103 **WITH INVESTIGATIONS OF DECEPTIVE TRADE PRACTICES.**

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>.)

Under current law, if a person does not cooperate with an investigation by the attorney general or a district attorney regarding a potential deceptive trade practice, the attorney general or district attorney may seek a court order requiring compliance with the investigation. The application for a court order must state why the order is necessary to

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
January 30, 2018

HOUSE
2nd Reading Unamended
January 26, 2018

terminate or prevent a deceptive trade practice.

The bill would allow a judge to issue a court order if compliance with an investigation is necessary to investigate a deceptive trade practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-109, **amend** (1)
3 introductory portion as follows:

4 **6-1-109. Remedies.** (1) If any person fails to cooperate with any
5 investigation pursuant to section 6-1-107 or fails to obey any subpoena
6 pursuant to section 6-1-108, the attorney general or a district attorney may
7 apply to the appropriate district court for an appropriate order to effect the
8 purposes of this ~~article~~ ARTICLE 1. The application shall state that there
9 are reasonable grounds to believe that the order applied for is necessary
10 to ~~terminate or prevent~~ INVESTIGATE a deceptive trade practice as defined
11 in this ~~article~~ ARTICLE 1. If the court is satisfied that reasonable grounds
12 exist, the court in its order may:

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.