



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

**Drafting Number:** LLS 18-0806  
**Prime Sponsors:** Rep. Hooton

**Date:** February 8, 2018  
**Bill Status:** House Finance  
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**Bill Topic:** PROTECT CONSUMER SOLICIT PUBLIC RECORD COPY FOR FEE

- Summary of Fiscal Impact:**
- State Revenue
  - State Expenditure (*minimal*)
  - State Transfer
  - TABOR Refund
  - Local Government
  - Statutory Public Entity

The bill sets conditions for individuals who solicit a fee for obtaining a government record. The bill minimally increases state expenditures and revenue beginning with FY 2018-19.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 18-1154**

		FY 2018-19	FY 2019-20
<b>Revenue</b>	Cash Funds	less than \$5,000	less than \$5,000
<b>Expenditures</b>		-	-
<b>Transfers</b>		-	-

## Summary of Legislation

If a person solicits a fee for providing a copy of a record held by a governmental entity, this bill requires that he or she:

- furnish a copy of the solicitation document with the appropriate county clerk and recorders when offering a fee to obtain deeds for real property;
- not charge a fee of more than 4 times the amount charged by the state agency or local government that has custody of the record; and
- provide specified disclosures on the solicitation document.

The Department of Law may bring legal action for violations of the bill, or request that the appropriate district attorney bring such action. Courts may order a refund and a penalty of not more than \$100 for each solicitation document distributed in violation of the bill and not more than \$200 per document for subsequent violations.

## State Revenue

The bill sets a fine penalty of \$100 for the first violation and a \$200 fine penalty for second and subsequent violations of the bill's provisions. This fiscal note assumes a high level of compliance from affected professionals and that convictions and fine penalties will be rare. The bill is anticipated to create less than \$5,000 in fine revenue per fiscal year.

## TABOR Impact

The bill minimally increases state revenue subject to TABOR by less than \$5,000 in both FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

## State Expenditures

The Department of Law receives consumer protection complaints annually. This bill adds another type of complaint for which the department may take legal action. The department receives these consumer complaints, analyzes them for possible violations of law, and prioritizes cases for further action. The additional volume of consumer complaints received by the department is assumed to be low, and no additional resources are required to implement the bill. Workload will increase slightly for each case the department chooses to prosecute. Alternatively, the department may request that a local district attorney prosecute the case. Cases brought for prosecution will minimally increase workload in the courts.

**Local Government**

Local district attorneys may experience a minimal increase in workload and related expenditures to prosecute consumer complaints referred to them by the Department of Law. Local courts will have an increase in workload for each case prosecuted by the district attorney.

**Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed, and applies to conduct occurring on or after that date.

**State and Local Government Contacts**

County Clerks  
Law

District Attorneys  
Local Affairs

Judicial