



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 17, 2023)

Drafting Number:	LLS 23-0218	Date:	March 3, 2023
Prime Sponsors:	Rep. Titone; Weinberg	Bill Status:	Senate Agriculture
	Sen. Hinrichsen; Marchman	Fiscal Analyst:	Clayton Mayfield 303-866-5851 clayton.mayfield@coleg.gov

Bill Topic: CONSUMER RIGHT TO REPAIR AG EQUIPMENT

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill incorporates agricultural equipment into the existing consumer right-to-repair statutes. The bill may minimally increase state workload and revenue, and local government workload, on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill adds agricultural equipment to the existing consumer right-to-repair statutes. It requires a manufacturer to provide necessary parts, software, firmware, tools, or documentation to independent repair providers and owners at a fair and reasonable price. The bill specifies that fair and reasonable price for these items cannot be greater than the suggested retail price indicated by the manufacturer or a dealer selling on behalf of the manufacturer. The bill creates a deceptive trade practice for manufacturers that do not comply with the requirements of the bill.

In addition, the bill clarifies that it does not authorize independent repair providers or owners to modify agricultural equipment in a way that permanently deactivates safety systems, evades applicable emissions, copyright, trademark, or patent laws, or engage in illegal equipment modification.

State Revenue

Beginning in FY 2023-24, the bill potentially increases state revenue from civil penalties and fees, as described below.

Civil penalties. Under the Colorado Consumer Protection Act, a person committing a deceptive trade practice may be subject to a civil penalty of up to \$20,000 for each violation. Additional penalties may be imposed for subsequent violations of a court order or injunction. This revenue is classified as a damage award and not subject to TABOR. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as the wide range in potential penalty amounts, the fiscal note cannot estimate the potential impact of these civil penalties.

Filing fees. The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

The bill will increase workload in the Department of Law and the Judicial Department beginning in FY 2023-24.

Department of Law. Workload in the Department of Law will minimally increase to the extent that deceptive trade practice complaints are filed. The department will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources.

Judicial Department. The trial courts in the Judicial Department may have an increase in cases filed under the Colorado Consumer Protection Act from the addition of a new deceptive trade practice. It is assumed that agriculture equipment manufacturers will abide by the law and that any violation of the legislation will result in minimal number of new cases. The fiscal note assumes that this can be accomplished within existing resources and that no change in appropriations is required.

Local Government

Similar to the state, to the extent district attorneys receive deceptive trade practice complaints related to the new deceptive trade practice under the bill, workload will increase to investigate complaints and seek relief when appropriate. It is assumed most such cases will be handled at the state level by the Attorney General.

Effective Date

The bill takes effect on January 1, 2024, assuming no referendum petition is filed.

State and Local Government Contacts

Agriculture
Judicial

District Attorneys
Law

Information Technology