

## CHAPTER 2

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**STATUTES**

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**SENATE BILL 94-047**

BY SENATORS Ruddick, Mares, Wattenberg, Wells, and Wham;  
also REPRESENTATIVES Agler, Adkins, DeGette, Kaufman, and Snyder.

**AN ACT**

**CONCERNING SUPPLEMENTAL PUBLICATIONS TO COLORADO REVISED STATUTES, AND, IN CONNECTION THEREWITH, ENACTING THE 1993 SUPPLEMENT AND REPLACEMENT VOLUME AS THE POSITIVE STATUTORY LAW OF THE STATE OF COLORADO, WITH THE SAME FORCE AND EFFECT AS, AND AS A PART OF, COLORADO REVISED STATUTES.**

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

**SECTION 1.** 2-5-124 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**2-5-124. Validation of Colorado Revised Statutes and replacement volumes and supplements thereto - effective date - proceedings of the committee on legal services.** (1) The printing, publication, and certification of Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and replacement volumes and certain supplements thereto, the deposit with the secretary of state by the committee on legal services of a copy thereof, and the publication of notice thereof with the effective date of Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and replacement volumes and supplements thereto, containing all of the laws of the state of Colorado of a general and permanent nature enacted at the regular and extraordinary sessions held subsequent to the 1973 session, as set forth with particularity in section 2-5-125, have been completed and are accepted, approved, ratified, confirmed, and validated as a full compliance with this article for the following publications:

(s) **1993 supplement to Colorado Revised Statutes and replacement volume 17.** THE EFFECTIVE AND OPERATIVE DATE IS FIXED AS THE FIRST DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY FOLLOWING THE EFFECTIVE DATE OF THIS PARAGRAPH (s) FOR THE 1993 SUPPLEMENT AND VOLUME 17, 1993 REPLACEMENT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

VOLUME.

**SECTION 2.** 2-5-125 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**2-5-125. Supplements and replacement volumes to Colorado Revised Statutes - report - enactment - publication - effective date.** (1) The following supplements and replacement volumes to Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, as corrected, collated, edited, revised, and compiled by the revisor and as certified by the committee on legal services, are prepared and published pursuant to and in conformity with section 2-5-117:

(s) (I) **1993 supplement.** THE 1993 SUPPLEMENT, HEREBY DESIGNATED AND DECLARED TO BE PART OF THE "OFFICIAL REPORT OF THE COMMITTEE ON LEGAL SERVICES", CONTAINS:

(A) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1973 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUME 13;

(B) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1980 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUME 1B;

(C) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1982 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 16A AND 16B;

(D) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1984 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUME 14;

(E) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1986 EXTRAORDINARY SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 3A, 3B, 8A, 8B, 12A, AND 12B;

(F) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1987 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 4A, 4B, 6A, AND 6B;

(G) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1988 EXTRAORDINARY SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 9, 10A, AND 10B;

(H) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1989 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 11A AND 11B;

(I) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1990 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUME 15;

(J) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1991 FIRST EXTRAORDINARY SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUMES 5A AND 5B;

(K) ALL THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED AFTER THE 1992 REGULAR SESSION OF THE COLORADO GENERAL ASSEMBLY FOR VOLUME 2.

(II) **Volume 17, 1993 replacement volume.** VOLUME 17, 1993 REPLACEMENT VOLUME, HEREBY DESIGNATED AND DECLARED TO BE ALSO A PART OF THE "OFFICIAL REPORT OF THE COMMITTEE ON LEGAL SERVICES", CONTAINS ALL THE LAWS OF A GENERAL AND PERMANENT NATURE OF THE STATE OF COLORADO FOR TITLES 40 TO 43 WHICH WERE REVISED AND REENACTED IN COLORADO REVISED STATUTES 1973 TOGETHER WITH THE 1992 SUPPLEMENT THERETO AND THE LAWS OF A GENERAL AND PERMANENT NATURE ENACTED BY THE FIFTY-NINTH GENERAL ASSEMBLY AT ITS FIRST REGULAR SESSION IN 1993 PERTAINING THERETO.

(III) A COPY OF SAID SUPPLEMENTS AND REPLACEMENT VOLUME, TOGETHER WITH A LISTING OF THE REVISOR'S CHANGES, HAS BEEN DELIVERED TO EACH MEMBER OF THE GENERAL ASSEMBLY AND IS APPROVED AND ADOPTED.

(IV) THE STATUTORY LAW OF THE STATE OF COLORADO OF A GENERAL AND PERMANENT NATURE, AS CORRECTED, HARMONIZED, COLLATED, EDITED, REVISED, AND COMPILED IN SAID "OFFICIAL REPORT OF THE COMMITTEE ON LEGAL SERVICES", IS ENACTED AS THE POSITIVE AND STATUTORY LAW OF THE STATE OF COLORADO WITH THE SAME LEGAL FORCE AND EFFECT AS, AND AS PART OF, COLORADO REVISED STATUTES.

**SECTION 3.** Part 8 of article 61 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-61-810. Compensation.** (1) IN ANY REAL ESTATE TRANSACTION, THE BROKER'S COMPENSATION MAY BE PAID BY THE SELLER, THE BUYER, THE LANDLORD, THE TENANT, A THIRD PARTY, OR BY THE SHARING OR SPLITTING OF A COMMISSION OR COMPENSATION BETWEEN BROKERS.

(2) PAYMENT OF COMPENSATION SHALL NOT BE CONSTRUED TO ESTABLISH AN AGENCY RELATIONSHIP BETWEEN THE BROKER AND THE PARTY WHO PAID SUCH COMPENSATION.

(3) A SELLER OR LANDLORD MAY AGREE THAT A TRANSACTION-BROKER, SINGLE AGENT, OR SUBAGENT MAY SHARE THE COMMISSION OR OTHER COMPENSATION PAID BY SUCH SELLER OR LANDLORD WITH ANOTHER BROKER.

(4) A BUYER OR TENANT MAY AGREE THAT A SINGLE AGENT, TRANSACTION-BROKER, OR SUBAGENT MAY SHARE THE COMMISSION OR OTHER COMPENSATION PAID BY SUCH BUYER OR TENANT WITH ANOTHER BROKER.

(5) A BUYER'S OR TENANT'S AGENT SHALL OBTAIN THE WRITTEN APPROVAL OF SUCH BUYER OR TENANT BEFORE SUCH AGENT MAY PROPOSE TO THE SELLER'S OR LANDLORD'S AGENT THAT SUCH BUYER'S OR TENANT'S AGENT BE COMPENSATED BY SHARING COMPENSATION PAID BY SUCH SELLER OR LANDLORD.

(6) PRIOR TO OFFERING TO BUY, SELL, OR LEASE, THE IDENTITY OF THOSE PARTIES, PERSONS, OR ENTITIES PAYING COMPENSATION OR COMMISSIONS TO ANY BROKER,

ALONG WITH THE TOTAL AMOUNT AND PERCENTAGE OF SAID COMMISSION, SHALL BE DISCLOSED TO THE PARTIES TO THE TRANSACTION.

(7) A BROKER MAY BE COMPENSATED BY MORE THAN ONE PARTY FOR SERVICES IN A TRANSACTION, IF THOSE PARTIES HAVE CONSENTED IN WRITING TO SUCH MULTIPLE PAYMENTS PRIOR TO ENTERING INTO A CONTRACT TO BUY, SELL, OR LEASE.

**SECTION 4. Legislative Intent.** This section and section 3 of this act are adopted for the purpose of correcting an error made in the publication of the 1993 Cumulative Supplement to the 1991 Replacement Volume 5B, Colorado Revised Statutes, in which section 12-61-810 was inadvertently omitted. The inclusion of the section correctly reflects the intent of Senate Bill 93-223, as contained in Session Laws of Colorado 1993, chapter 218, which enacted part 8 and included section 12-61-810 as part of that enactment.

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

Approved: February 4, 1994