

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

**INTRODUCED**

LLS NO. 25-1069.02 Christopher McMichael x4775

**SENATE BILL 25-322**

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**SENATE SPONSORSHIP**

**Bridges,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE MANAGEMENT OF CONSUMER PROTECTION CLAIMS**

102 **BY THE ATTORNEY GENERAL.**

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**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 establishes an exemption from Colorado's "Consumer Repair Bill of Rights Act" (Act) for information technology equipment if the equipment meets certain criteria, such as whether:

- The equipment qualifies as critical infrastructure, as defined by federal law;
- The equipment is sold in a retail setting or only through

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

business-to-business or business-to-government transactions; and

- Dissemination of the parts, documentation, embedded software, firmware, or tools required for the equipment would pose a security risk.

The attorney general may adopt rules for manufacturers of information technology equipment to submit requests for an exemption from the Act.

The bill clarifies the attorney general's responsibility regarding litigation on behalf of the state of Colorado or on behalf of the people of the state of Colorado.

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

2           **SECTION 1.** In Colorado Revised Statutes, 6-1-1503, **amend as**  
3 **they will become effective January 1, 2026, (5)(m) and (5)(n); and add**  
4 **(5)(o) and (11) as follows:**

5           **6-1-1503. Manufacturer obligations regarding services -**  
6 **exemptions - attorney general rule-making - rules.** (5) With respect  
7 to digital electronic equipment, this part 15 does not apply to:

8           (m) Video game consoles; ~~or~~

9           (n) Fire alarm systems, intrusion detection equipment that is  
10 provided with a security monitoring service, life safety systems, and  
11 physical access control equipment, including electronic keypads and  
12 similar building access control electronics; OR

13           (o) SUBJECT TO THE ATTORNEY GENERAL'S DETERMINATION MADE  
14 PURSUANT TO SUBSECTION (11) OF THIS SECTION, INFORMATION  
15 TECHNOLOGY EQUIPMENT THAT IS DESIGNED FOR USE IN CRITICAL  
16 INFRASTRUCTURE.

17           (11) **Attorney general rule-making - criteria for meeting**  
18 **information technology exemption.** (a) THE ATTORNEY GENERAL MAY  
19 ADOPT RULES TO ESTABLISH A PROCESS FOR GRANTING AN EXEMPTION

1 FROM THIS PART 15 PURSUANT TO SUBSECTION (5)(o) OF THIS SECTION TO  
2 A MANUFACTURER OF INFORMATION TECHNOLOGY EQUIPMENT IF THE  
3 EQUIPMENT PRODUCED BY THE MANUFACTURER MEETS THE CRITERIA  
4 DESCRIBED IN SUBSECTION (11)(b) OF THIS SECTION.

5 (b) A MANUFACTURER OF INFORMATION TECHNOLOGY EQUIPMENT  
6 MAY APPLY TO THE ATTORNEY GENERAL FOR AN EXEMPTION FROM THIS  
7 PART 15 PURSUANT TO SUBSECTION (5)(o) OF THIS SECTION. IN  
8 DETERMINING WHETHER TO GRANT AN EXEMPTION FROM THIS PART 15  
9 PURSUANT TO SUBSECTION (5)(o) OF THIS SECTION FOR CERTAIN  
10 EQUIPMENT PRODUCED BY A MANUFACTURER OF INFORMATION  
11 TECHNOLOGY EQUIPMENT, THE ATTORNEY GENERAL SHALL CONSIDER IF  
12 THE MANUFACTURER HAS DEMONSTRATED THE FOLLOWING:

13 (I) WHETHER THE EQUIPMENT FOR WHICH THE MANUFACTURER IS  
14 SEEKING THE EXEMPTION IS DESIGNED TO BE USED OR IS USED PRIMARILY  
15 IN A WAY THAT WOULD QUALIFY THE EQUIPMENT AS CRITICAL  
16 INFRASTRUCTURE, AS DEFINED IN 42 U.S.C. SEC. 5195c (e);

17 (II) THAT THE EQUIPMENT IS NOT SOLD IN A RETAIL SETTING AND  
18 CUSTOMARILY AVAILABLE ONLY UNDER A BUSINESS-TO-BUSINESS OR  
19 BUSINESS-TO-GOVERNMENT CONTRACT; AND

20 (III) WHETHER DISSEMINATION OF THE PARTS, DOCUMENTATION,  
21 EMBEDDED SOFTWARE, FIRMWARE, OR TOOLS ASSOCIATED WITH THE  
22 EQUIPMENT POSES A SECURITY RISK, WHICH DEMONSTRATION MAY  
23 REQUIRE THE MANUFACTURER TO SUBMIT DOCUMENTATION, AN  
24 ATTESTATION, OR OTHER INFORMATION TO THE ATTORNEY GENERAL.

25 (c) THE ATTORNEY GENERAL MAY DEEM ANY RECORDS OBTAINED  
26 PURSUANT TO THIS SUBSECTION (11) AS PUBLIC RECORDS SUBJECT TO  
27 PUBLIC INSPECTION PURSUANT TO PART 2 OF ARTICLE 72 OF TITLE 24.

1           (d) THE ATTORNEY GENERAL MAY FIND THAT AN APPLICATION  
2 SUBMITTED BY A MANUFACTURER OF INFORMATION TECHNOLOGY  
3 EQUIPMENT PURSUANT TO THIS SUBSECTION (11) WAS NOT SUBMITTED IN  
4 GOOD FAITH OR IS FRIVOLOUS. IF THE ATTORNEY GENERAL FINDS THAT THE  
5 APPLICATION WAS NOT SUBMITTED IN GOOD FAITH OR WAS FRIVOLOUS,  
6 THE ATTORNEY GENERAL MAY REQUIRE THE MANUFACTURER TO  
7 REIMBURSE THE ATTORNEY GENERAL FOR ANY COSTS INCURRED BY THE  
8 ATTORNEY GENERAL TO REVIEW THE APPLICATION.

9           (e) (I) IF A MANUFACTURER OF INFORMATION TECHNOLOGY  
10 EQUIPMENT SUBMITS THE DOCUMENTATION, ATTESTATION, OR OTHER  
11 INFORMATION REQUIRED BY SUBSECTION (11)(b)(III) OF THIS SECTION AS  
12 PART OF THE MANUFACTURER'S APPLICATION FOR THE GRANTING OF AN  
13 EXEMPTION PURSUANT TO SUBSECTION (5)(o) OF THIS SECTION, THERE IS  
14 A PRESUMPTION THAT THE EQUIPMENT IS EXEMPT DURING THE PENDENCY  
15 OF THE ATTORNEY GENERAL'S REVIEW OF A GOOD FAITH AND  
16 NONFRIVOLOUS APPLICATION SEEKING AN EXEMPTION UNDER THIS  
17 SECTION, INCLUDING PRIOR TO THE FINALIZATION OF ANY RULE ADOPTED  
18 PURSUANT TO THIS SECTION.

19           (II) THE PRESUMPTION DESCRIBED IN SUBSECTION (11)(e)(I) OF  
20 THIS SECTION DOES NOT APPLY IF THE ATTORNEY GENERAL FINDS THAT  
21 THE APPLICATION WAS SUBMITTED IN BAD FAITH OR IS FRIVOLOUS.

22           (f) THE ATTORNEY GENERAL SHALL MAKE A DETERMINATION ON  
23 AN APPLICATION FOR EXEMPTION SUBMITTED BY A MANUFACTURER OF  
24 INFORMATION TECHNOLOGY EQUIPMENT PURSUANT TO THIS SUBSECTION  
25 (11) IN A TIMELY MANNER.

26           (g) A DETERMINATION ON AN APPLICATION FOR EXEMPTION MADE  
27 BY THE ATTORNEY GENERAL PURSUANT TO THIS SUBSECTION (11) MAY BE

1 APPEALED BY THE MANUFACTURER OF INFORMATION TECHNOLOGY  
2 EQUIPMENT THAT SUBMITTED THE APPLICATION IN A DISTRICT COURT OF  
3 COMPETENT JURISDICTION IN ACCORDANCE WITH SECTION 24-4-106.

4 **SECTION 2.** In Colorado Revised Statutes, 24-31-101, **add** (5)  
5 as follows:

6 **24-31-101. Powers and duties of attorney general.** (5) IN ANY  
7 ACTION BROUGHT BY THE ATTORNEY GENERAL IN THE ATTORNEY  
8 GENERAL'S OFFICIAL CAPACITY, OR ON THE RELATION OF THE STATE OF  
9 COLORADO OR THE PEOPLE OF THE STATE OF COLORADO, TO ENFORCE THE  
10 LAW AS AUTHORIZED BY STATUTE OR COMMON LAW, THE ATTORNEY  
11 GENERAL SHALL NOT BE DEEMED TO PURSUE AN ACTION ON BEHALF OF  
12 ANY OTHER STATE OFFICER OR ANY STATE AGENCY, DEPARTMENT, OFFICE,  
13 BOARD, COMMISSION, OR ENTERPRISE AND SHALL NOT BE DEEMED IN  
14 POSSESSION, CUSTODY, OR CONTROL OF ANY RECORD THAT IS MADE, KEPT,  
15 OR MAINTAINED BY ANY OTHER STATE OFFICER OR ANY STATE AGENCY,  
16 DEPARTMENT, OFFICE, BOARD, COMMISSION, OR ENTERPRISE FOR THE  
17 PURPOSE OF ANY DISCOVERY REQUEST DIRECTED AT THE ATTORNEY  
18 GENERAL IN THE ATTORNEY GENERAL'S OFFICIAL CAPACITY, OR ON THE  
19 RELATION OF THE STATE OF COLORADO OR THE PEOPLE OF THE STATE OF  
20 COLORADO, AS A PARTY TO SUCH ACTION.

21 **SECTION 3. Safety clause.** The general assembly finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety or for appropriations for  
24 the support and maintenance of the departments of the state and state  
25 institutions.