

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 11, 2023
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB23-248 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 9, after line 14 insert:

2 "SECTION 9. In Colorado Revised Statutes, 5-16-119, amend
3 (6) as follows:

4 **5-16-119. Collection agency license - requirements -**
5 **application - fee - expiration - definition.** (6) (a) A collection agency
6 must obtain a license for its principal place of business, but its branch
7 offices, if any, need not obtain separate licenses. A collection agency with
8 branch offices must notify the administrator in writing of the location of
9 each branch office within thirty days after the branch office commences
10 business.

11 (b) SUBJECT TO RULES ADOPTED BY THE ADMINISTRATOR,
12 NOTHING IN SUBSECTION (6)(a) OF THIS SECTION PROHIBITS A LICENSEE
13 FROM PERMITTING ITS EMPLOYEES TO WORK FROM A REMOTE LOCATION SO
14 LONG AS THE LICENSEE:

15 (I) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
16 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
17 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

18 (II) MAINTAINS APPROPRIATE SAFEGUARDS FOR LICENSEE AND
19 CONSUMER DATA, INFORMATION, AND RECORDS, INCLUDING THE USE OF
20 SECURE VIRTUAL PRIVATE NETWORKS, ALSO KNOWN AS "VPNS", WHERE
21 APPROPRIATE;

22 (III) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
23 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
24 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
25 PROCESSES;

26 (IV) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT
27 MAINTAINED AT A REMOTE LOCATION;

1 (V) ENSURES CONSUMER AND LICENSEE INFORMATION AND
2 RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
3 OVERSIGHT AND EXAMINATION; AND

4 (VI) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
5 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL
6 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
7 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
8 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
9 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
10 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

11 (c) AS USED IN THIS SUBSECTION (6), "REMOTE LOCATION" MEANS
12 A PRIVATE RESIDENCE OF AN EMPLOYEE OF A LICENSEE OR ANOTHER
13 LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE
14 LICENSEE."

15 Renumber succeeding sections accordingly.

16 Page 11, after line 12 insert:

17 "SECTION 13. In Colorado Revised Statutes, add 5-19-206.5 as
18 follows:

19 **5-19-206.5 Remote work authorized - definition.** (1) SUBJECT
20 TO RULES ADOPTED BY THE ADMINISTRATOR, NOTHING IN THIS PART 2
21 PROHIBITS A REGISTERED PROVIDER FROM PERMITTING ITS EMPLOYEES TO
22 WORK FROM A REMOTE LOCATION SO LONG AS THE REGISTERED PROVIDER:

23 (a) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
24 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
25 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

26 (b) MAINTAINS APPROPRIATE SAFEGUARDS FOR REGISTERED
27 PROVIDER AND CONSUMER DATA, INFORMATION, AND RECORDS,
28 INCLUDING THE USE OF SECURE VIRTUAL PRIVATE NETWORKS, ALSO
29 KNOWN AS "VPNS", WHERE APPROPRIATE;

30 (c) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
31 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
32 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
33 PROCESSES;

34 (d) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT
35 MAINTAINED AT A REMOTE LOCATION;

36 (e) ENSURES CONSUMER AND REGISTERED PROVIDER INFORMATION
37 AND RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
38 OVERSIGHT AND EXAMINATION; AND

39 (f) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
40 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL

1 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
2 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
3 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
4 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
5 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

6 (2) AS USED IN THIS SECTION, "REMOTE LOCATION" MEANS A
7 PRIVATE RESIDENCE OF AN EMPLOYEE OF A REGISTERED PROVIDER OR
8 ANOTHER LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE
9 REGISTERED PROVIDER."

10 Renumber succeeding sections accordingly.

11 Page 12, line 4, strike "(1)(a)" and substitute "(1)(a), (9)".

12 Page 12, line 5, strike "servicers." and substitute "servicers -
13 definition."

14 Page 12, after line 21 insert:

15 "(9) **Change of license notification.** (a) A licensee under this
16 section shall not act within this state as a student loan servicer under any
17 name or at any place of business other than those named in the license. A
18 licensee shall give prior written notice to the administrator of a change of
19 business location. A licensee shall not operate more than one place of
20 business under the same license, but the administrator may issue more
21 than one license to a licensee that complies with this part 1 as to each
22 license. A license is not transferable or assignable.

23 (b) (I) SUBJECT TO RULES ADOPTED BY THE ADMINISTRATOR,
24 NOTHING IN SUBSECTION (9)(a) OF THIS SECTION PROHIBITS A LICENSEE
25 FROM PERMITTING ITS EMPLOYEES TO WORK FROM A REMOTE LOCATION SO
26 LONG AS THE LICENSEE:

27 (A) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
28 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
29 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

30 (B) MAINTAINS APPROPRIATE SAFEGUARDS FOR LICENSEE AND
31 CONSUMER DATA, INFORMATION, AND RECORDS, INCLUDING THE USE OF
32 SECURE VIRTUAL PRIVATE NETWORKS, ALSO KNOWN AS "VPNS", WHERE
33 APPROPRIATE;

34 (C) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
35 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
36 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
37 PROCESSES;

38 (D) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT

1 MAINTAINED AT A REMOTE LOCATION;
2 (E) ENSURES CONSUMER AND LICENSEE INFORMATION AND
3 RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
4 OVERSIGHT AND EXAMINATION; AND

5 (F) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
6 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL
7 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
8 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
9 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
10 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
11 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

12 (II) AS USED IN THIS SUBSECTION (9)(b), "REMOTE LOCATION"
13 MEANS A PRIVATE RESIDENCE OF AN EMPLOYEE OF A LICENSEE OR
14 ANOTHER LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE
15 LICENSEE."

16 Strike "CREDIT" and substitute "CREDIT OBLIGATION" on: **Page 13**, lines
17 18 and 23; **Page 14**, lines 16, 17, 23, and 25; **Page 15**, lines 9, 10, 12, 13,
18 25, and 27; **Page 16**, lines 2, 3, 13, 15, 19, and 25; **Page 17**, lines 3, 8, 12,
19 and 15; **Page 19**, line 19; **Page 20**, line 27; **Page 21**, lines 10, 12, 13, 15,
20 and 17; **Page 22**, lines 3, 8, 12, 18, and 27; **Page 23**, lines 10, 21, 22, and
21 24; **Page 24**, lines 3, 12, 18, 23 two times, 24 the second "CREDIT", 26,
22 and 27; **Page 25**, lines 6, 12, and 17; **Page 26**, lines 1, 9, 17, 19, 21, 23,
23 and 25; **Page 27**, lines 2, 5, 6, 10, 14, and 25; **Page 28**, lines 4, 6, 8, 10,
24 11 two times, 12, 19, and 21; **Page 29**, lines 2, 5, 6, 9 the first "CREDIT",
25 10, 13 two times, 16, 17, 20, and 24; and **Page 30**, lines 9 and 11.

26 Strike "CREDITS" and substitute "CREDIT OBLIGATIONS" on: **Page 16**, lines
27 16, 21, and 23; **Page 24**, line 9; **Page 26**, lines 15 and 27; and **Page 28**,
28 lines 1 and 26.

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