

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0766.01 Jery Payne x2157

HOUSE BILL 16-1335

HOUSE SPONSORSHIP

Pabon and Melton, Arndt, Duran, Garnett, Ginal, Lontine, Moreno, Salazar, Singer, Vigil,
Young

SENATE SPONSORSHIP

Steadman, Aguilar, Garcia, Guzman, Ulibarri

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE UNLAWFUL SALE OF CERTAIN PUBLICLY PROVIDED**
102 **GOVERNMENT SERVICES.**

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://www.leg.state.co.us/billsummaries>.)

The bill prohibits a person from reserving or obtaining and selling, intending to sell, bundling in a sale, or selling without obtaining a government service or appointment publicly available without charge. The prohibition does not apply when the person has consent from the government entity or when the person is selling or offering to sell only information. A violation of the prohibition is a class 1 misdemeanor. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 14, 2016

HOUSE
3rd Reading Unamended
April 1, 2016

HOUSE
Amended 2nd Reading
March 31, 2016

bill also makes a violation a deceptive trade practice, which allows the attorney general and district attorneys to seek civil penalties for a violation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-8-117 as
3 follows:

4 **18-8-117. Unlawful sale of publicly provided services or**
5 **appointments.** (1) A PERSON COMMITS AN UNLAWFUL SALE OF PUBLIC
6 SERVICES IF THE PERSON DOES ANY OF THE FOLLOWING WITH RESPECT TO
7 A GOVERNMENT SERVICE OR AN APPOINTMENT TO RECEIVE A
8 GOVERNMENT SERVICE AND IF A GOVERNMENT ENTITY MAKES THE
9 SERVICE OR APPOINTMENT PUBLICLY AVAILABLE WITHOUT CHARGE:

10 (a) THE PERSON RESERVES OR OBTAINS THE SERVICE OR
11 APPOINTMENT, AND THE PERSON SELLS THE SERVICE OR APPOINTMENT;

12 (b) THE PERSON RESERVES OR OBTAINS, WITH THE INTENT TO SELL,
13 THE SERVICE OR APPOINTMENT;

14 (c) THE PERSON RESERVES OR OBTAINS THE SERVICE OR
15 APPOINTMENT, AND THE PERSON APPENDS THE SERVICE OR APPOINTMENT
16 TO ANOTHER GOOD OR SERVICE THE PERSON OFFERS FOR SALE; OR

17 (d) THE PERSON FALSELY REPRESENTS TO THE POTENTIAL
18 CUSTOMER THAT THE PERSON HAS OBTAINED OR SECURED THE SERVICE OR
19 APPOINTMENT, AND THE PERSON ATTEMPTS TO SELL THE SERVICE OR
20 APPOINTMENT.

21 (2) THIS SECTION DOES NOT APPLY WHEN THE PERSON:

22 (a) HAS CONSENT FROM THE GOVERNMENT ENTITY TO SELL THE
23 SPECIFIC SERVICE OR APPOINTMENT OBTAINED OR RESERVED; OR

24 (b) IS OBTAINING AND SELLING OR OFFERING TO SELL ONLY

1 INFORMATION.

2 (3) UNLAWFUL SALE OF PUBLIC SERVICES IS A CLASS 1
3 MISDEMEANOR, AS DEFINED IN SECTION 18-1.3-501.

4 (4) AS USED IN THIS SECTION, "GOVERNMENT ENTITY" MEANS THE
5 STATE OF COLORADO, A POLITICAL SUBDIVISION OF COLORADO, OR AN
6 AGENCY OF EITHER THE STATE OF COLORADO OR A POLITICAL SUBDIVISION
7 OF COLORADO.

8 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add** (1) (iii)
9 as follows:

10 **6-1-105. Deceptive trade practices.** (1) A person engages in a
11 deceptive trade practice when, in the course of the person's business,
12 vocation, or occupation, the person:

13 (iii) VIOLATES SECTION 6-1-726.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-726 as
15 follows:

16 **6-1-726. Sale of public services.** (1) A PERSON ENGAGES IN A
17 DECEPTIVE TRADE PRACTICE WHEN, IN THE COURSE OF THE PERSON'S
18 BUSINESS, VOCATION, OR OCCUPATION, THE PERSON DOES ANY OF THE
19 FOLLOWING WITH RESPECT TO A GOVERNMENT SERVICE OR AN
20 APPOINTMENT TO RECEIVE A GOVERNMENT SERVICE AND IF A
21 GOVERNMENT ENTITY MAKES THE SERVICE OR APPOINTMENT PUBLICLY
22 AVAILABLE WITHOUT CHARGE:

23 (a) THE PERSON RESERVES OR OBTAINS THE SERVICE OR
24 APPOINTMENT, AND THE PERSON SELLS THE SERVICE OR APPOINTMENT;

25 (b) THE PERSON RESERVES OR OBTAINS, WITH THE INTENT TO SELL,
26 THE SERVICE OR APPOINTMENT;

27 (c) THE PERSON RESERVES OR OBTAINS THE SERVICE OR

1 APPOINTMENT, AND THE PERSON APPENDS THE SERVICE OR APPOINTMENT
2 TO ANOTHER GOOD OR SERVICE THE PERSON OFFERS FOR SALE; OR

3 (d) THE PERSON FALSELY REPRESENTS TO THE POTENTIAL
4 CUSTOMER THAT THE PERSON HAS OBTAINED OR SECURED THE SERVICE OR
5 APPOINTMENT, AND THE PERSON ATTEMPTS TO SELL THE SERVICE OR
6 APPOINTMENT.

7 (2) THIS SECTION DOES NOT APPLY WHEN THE PERSON:

8 (a) HAS CONSENT FROM THE GOVERNMENT ENTITY TO SELL THE
9 SPECIFIC SERVICE OR APPOINTMENT OBTAINED OR RESERVED; OR

10 (b) IS OBTAINING AND SELLING OR OFFERING TO SELL ONLY
11 INFORMATION.

12 (3) AS USED IN THIS SECTION, "GOVERNMENT ENTITY" MEANS THE
13 STATE OF COLORADO, A POLITICAL SUBDIVISION OF COLORADO, OR AN
14 AGENCY OF EITHER THE STATE OF COLORADO OR A POLITICAL SUBDIVISION
15 OF COLORADO.

16 **SECTION 4. Effective date - applicability.** This act takes effect
17 July 1, 2016, and applies to offenses committed on or after said date.

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