

CHAPTER 246

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 16-1335

BY REPRESENTATIVE(S) Pabon and Melton, Arndt, Duran, Garnett, Ginal, Lontine, Moreno, Salazar, Singer, Vigil, Young, Becker K., Esgar, Fields, Foote, Hamner, Kraft-Tharp, Mitsch Bush, Pettersen, Primavera, Roupe, Ryden, Winter; also SENATOR(S) Steadman, Aguilar, Garcia, Guzman, Ulibarri, Carroll, Donovan, Heath, Hodge, Johnston, Jones, Kerr, Merrifield, Newell, Todd.

AN ACT**CONCERNING THE UNLAWFUL SALE OF CERTAIN PUBLICLY PROVIDED GOVERNMENT SERVICES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(jjj) VIOLATES SECTION 6-1-726.

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

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

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

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

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

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

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

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

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

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

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

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: June 8, 2016