

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 17-1021

BY REPRESENTATIVE(S) Danielson, Arndt, Becker K., Bridges, Buckner, Carver, Coleman, Esgar, Exum, Foote, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Salazar, Singer, Valdez, Weissman, Winter, Young, Duran; also SENATOR(S) Cooke, Donovan, Fenberg, Fields, Jones, Kefalas, Merrifield, Moreno, Todd, Zenzinger.

CONCERNING THE RELEASE OF INFORMATION BY THE DIVISION OF LABOR STANDARDS AND STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT CONCERNING AN EMPLOYER'S VIOLATION OF WAGE LAWS.

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

**SECTION 1.** In Colorado Revised Statutes, 8-1-115, **amend** (1) as follows:

**8-1-115. Information not public - penalty for divulging.**  
(1) (a) The information contained in the reports lawfully required to be furnished by the employer in section 8-1-114, ~~such~~ other information as ~~may be~~ furnished to the division by employers and employees in pursuance of ~~the provisions of this article~~ ARTICLE 1, and ~~such~~ information obtained

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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.*

through inspections or other proceedings of UNDER this article which might reveal ARTICLE 1 THAT REVEALS a trade secret shall be IS for the exclusive use and information of said THE division in the discharge of its official duties. AN EMPLOYER MAY DESIGNATE INFORMATION SUBMITTED TO THE DIVISION AS PROPRIETARY, A TRADE SECRET, OR PRIVILEGED INFORMATION IN ACCORDANCE WITH SECTION 24-72-204 (3), AS LONG AS THE DIRECTOR IS NOT BOUND BY THE EMPLOYER'S DESIGNATION. The director may treat and file the information or any part thereof OF THE INFORMATION as confidential, and, when so treated or filed by the director, the same shall be considered to be INFORMATION IS confidential, information for the sole use of the division, and shall not be open to the public nor TO be used in any court in any action or proceeding pending therein unless the division is a party to such THE action or proceeding. The court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets. The information contained in this A report may be tabulated and published by the division in statistical form for the use and information of other state departments and the public.

(b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE DIVISION SHALL TREAT ANY NOTICE OF CITATION OR NOTICE OF ASSESSMENT ISSUED TO AN EMPLOYER FOR VIOLATION OF A WAGE LAW, INCLUDING A VIOLATION OF SECTION 8-4-111 (2)(c), AFTER ALL REMEDIES HAVE BEEN EXHAUSTED PURSUANT TO SECTION 8-4-111.5, AS A PUBLIC RECORD AND SHALL RELEASE THE INFORMATION TO THE PUBLIC UPON REQUEST PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, UNLESS THE DIRECTOR MAKES A DETERMINATION THAT THE INFORMATION IS A TRADE SECRET. BEFORE RELEASING ANY INFORMATION RELATING TO THE VIOLATION OF A WAGE LAW, THE DIRECTOR SHALL NOTIFY THE EMPLOYER OF THE POTENTIAL RELEASE OF THE INFORMATION. THE EMPLOYER THEN HAS TWENTY DAYS TO PROVIDE THE DIRECTOR WITH FURTHER DOCUMENTATION DEMONSTRATING THAT THE INFORMATION, OR SPECIFIC MATTERS INCLUDED IN THE INFORMATION, IS A TRADE SECRET. IF THE DIRECTOR, IN THE DIRECTOR'S DISCRETION, DETERMINES THAT THE INFORMATION, OR ANY PORTION OF THE INFORMATION, IS A TRADE SECRET, THE DIRECTOR SHALL TREAT THE INFORMATION AS CONFIDENTIAL UNDER THIS SUBSECTION (1). FOR PURPOSES OF THIS SUBSECTION (1)(b), "TRADE SECRET" HAS THE SAME MEANING AS SET FORTH IN SECTION 7-74-102 (4).

**SECTION 2. 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.

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Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Kevin J. Grantham  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO