

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

**INTRODUCED**

LLS NO. 17-0246.01 Richard Sweetman x4333

**HOUSE BILL 17-1095**

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**HOUSE SPONSORSHIP**

**Melton,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE SERVICE OF PROCESS TO INDIVIDUALS WHO LIVE IN**  
102      **SECURED RESIDENTIAL COMMUNITIES.**

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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 sets forth several means by which a process server may serve process on another person when the process server is denied access to the other person's residential community by one or more security officers or security devices. Service of process by any of these alternative means constitutes valid service of process.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-1-125, **amend** (3);  
3 and **add** (4) as follows:

4 **13-1-125. Service of process - service in another state - service**  
5 **to private security personnel.** (3) (a) ~~Nothing in this section shall limit~~  
6 ~~or affect the right to serve any process as prescribed by the Colorado rules~~  
7 ~~of civil procedure~~ WHEN A PERSON WHO IS AUTHORIZED TO SERVE  
8 PROCESS ON ANOTHER PERSON ATTEMPTS TO DO SO AT THE OTHER  
9 PERSON'S RESIDENTIAL COMMUNITY, AND THE PROCESS SERVER IS DENIED  
10 ACCESS TO THE RESIDENTIAL COMMUNITY BY SECURITY PERSONNEL OR BY  
11 ONE OR MORE SECURITY DEVICES, THEN THE PROCESS SERVER MAY ACT IN  
12 ANY OF THE FOLLOWING MANNERS:

13 (I) IF THE PROCESS SERVER IS DENIED ACCESS TO A RESIDENTIAL  
14 COMMUNITY BY ONE OR MORE INDIVIDUALS EMPLOYED TO PROVIDE  
15 SECURITY SERVICES AT THE RESIDENTIAL COMMUNITY, THE PROCESS  
16 SERVER MAY DELIVER THE NOTICE OF PROCESS TO ANY ONE OF THE  
17 INDIVIDUALS SO EMPLOYED AND THEN MAIL A COPY OF THE NOTICE TO THE  
18 ADDRESS, OR LAST-KNOWN ADDRESS, OF THE PARTY TO BE SERVED. SUCH  
19 ACTION CONSTITUTES VALID SUBSTITUTE SERVICE OF PROCESS.

20 (II) IF THE PROCESS SERVER IS DENIED ACCESS TO A RESIDENTIAL  
21 COMMUNITY BY ONE OR MORE SECURITY DEVICES THAT SECURE THE  
22 RESIDENTIAL COMMUNITY, AND NO INDIVIDUAL IS PRESENT TO WHOM THE  
23 PROCESS SERVER MAY DELIVER THE NOTICE, THEN THE PROCESS SERVER  
24 MAY CONTACT THE PROPERTY MANAGER OR A MANAGING AGENT OF THE  
25 PROPERTY MANAGEMENT COMPANY OF THE RESIDENTIAL COMMUNITY AND  
26 REQUEST ACCESS TO THE RESIDENTIAL COMMUNITY FOR THE SOLE

1 PURPOSE OF SERVING THE NOTICE OF PROCESS. THE PROPERTY MANAGER  
2 OR MANAGING AGENT MAY EITHER PROVIDE THE PROCESS SERVER ACCESS  
3 TO THE RESIDENTIAL COMMUNITY OR TAKE POSSESSION OF THE NOTICE, AS  
4 DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION. IF THE PROPERTY  
5 MANAGER OR MANAGING AGENT TAKES POSSESSION OF THE NOTICE, THE  
6 PROCESS SERVER SHALL MAIL A COPY OF THE NOTICE TO THE ADDRESS, OR  
7 LAST-KNOWN ADDRESS, OF THE PARTY TO BE SERVED. SUCH ACTION  
8 CONSTITUTES VALID SUBSTITUTE SERVICE OF PROCESS.

9 (III) IF THE PROCESS SERVER HAS ATTEMPTED TO DELIVER THE  
10 NOTICE OF PROCESS TO AN INDIVIDUAL EMPLOYED TO PROVIDE SECURITY  
11 SERVICES AT THE RESIDENTIAL COMMUNITY OR TO THE PROPERTY  
12 MANAGER OR A MANAGING AGENT OF THE PROPERTY MANAGEMENT  
13 COMPANY OF THE RESIDENTIAL COMMUNITY, AS DESCRIBED IN  
14 SUBSECTION (3)(a)(I) OR (3)(a)(II) OF THIS SECTION, AND THE INDIVIDUAL,  
15 PROPERTY MANAGER, OR MANAGING AGENT HAS REFUSED TO PROVIDE THE  
16 PROCESS SERVER ACCESS TO THE RESIDENTIAL COMMUNITY OR TO ACCEPT  
17 POSSESSION OF THE NOTICE OF PROCESS, THEN THE PROCESS SERVER SHALL  
18 LEAVE A COPY OF THE NOTICE OF PROCESS IN A CONSPICUOUS PLACE AND  
19 MAIL A COPY OF THE NOTICE TO THE ADDRESS, OR LAST-KNOWN ADDRESS,  
20 OF THE PARTY TO BE SERVED. SUCH ACTION CONSTITUTES VALID  
21 SUBSTITUTE SERVICE OF PROCESS.

22 (4) NOTHING IN THIS SECTION LIMITS OR AFFECTS THE RIGHT TO  
23 SERVE ANY PROCESS AS PRESCRIBED BY THE COLORADO RULES OF CIVIL  
24 PROCEDURE.

25 **SECTION 2. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2018 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.