

CHAPTER 241

COURTS

HOUSE BILL 17-1243

BY REPRESENTATIVE(S) Willett, Foote, Herod, Lee, Wist;
also SENATOR(S) Guzman, Cooke, Gardner, Holbert, Kagan.

AN ACT

CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS RELATED TO WHOLESALE SALES REPRESENTATIVES FROM TITLE 12, COLORADO REVISED STATUTES, AS PART OF THE ORGANIZATIONAL RECODIFICATION OF TITLE 12.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** part 13 to article 21 of title 13 as follows:

PART 13
WHOLESALE SALES REPRESENTATIVES

13-21-1301. [Formerly 12-66-101] Legislative declaration. The general assembly hereby finds, determines, and declares that independent wholesale sales representatives are a key ingredient to the Colorado economy. The general assembly further finds and declares that wholesale sales representatives spend many hours developing their territory in order to properly market their products. Therefore, it is the intent of the general assembly to provide security and clarify the relations between distributors, jobbers, or manufacturers and their wholesale sales representatives.

13-21-1302. [Formerly 12-66-102] Jurisdiction over nonresident representatives. A distributor, jobber, or manufacturer who is not a resident of Colorado and who enters into any written contract or written sales agreement regulated by this ~~article~~ PART 13 shall be deemed to be doing business in Colorado for purposes of personal jurisdiction.

13-21-1303. [Formerly 12-66-103] Damages. (1) A distributor, jobber, or manufacturer who knowingly fails to pay commissions as provided in any written

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

contract or written sales agreement shall be liable to the wholesale sales representative in a civil action for treble the damages proved at trial.

(2) In a civil action brought by a wholesale sales representative pursuant to this section, the prevailing party shall be entitled to reasonable attorney fees and costs in addition to any other recovery.

13-21-1304. [Formerly 12-66-104] Liquor licensees excepted. This article PART 13 shall not apply to any person licensed under article 46 or 47 of this title TITLE 12.

SECTION 2. Repeal of relocated provisions in this act. In Colorado Revised Statutes, repeal article 66 of title 12.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 25, 2017