

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 25, 2017
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB17-1095 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 26 and substitute:
2 "SECTION 1. In Colorado Revised Statutes, **add** 12-61-1015 as
3 follows:
4 **12-61-1015. Service of process to residents by private**
5 **investigators.** (1) A PRIVATE INVESTIGATOR WHO IS LICENSED PURSUANT
6 TO SECTION 12-58.5-106 IS AUTHORIZED TO SERVE PROCESS TO A
7 RESIDENT OF A COMMON INTEREST COMMUNITY AND MAY ENTER THE
8 COMMON INTEREST COMMUNITY FOR A REASONABLE PERIOD OF TIME FOR
9 THE SOLE PURPOSE OF SERVING PROCESS AFTER HE OR SHE PRESENTS A
10 COPY OF HIS OR HER PRIVATE INVESTIGATOR'S LICENSE AND A COPY OF THE
11 DOCUMENTS TO BE SERVED.
12 (2) THIS SECTION APPLIES ONLY TO COMMON INTEREST
13 COMMUNITIES THAT ARE STAFFED BY ONE OR MORE SECURITY PERSONNEL
14 AT THE TIME THAT A LICENSED PRIVATE INVESTIGATOR ATTEMPTS TO
15 SERVE PROCESS TO A RESIDENT. A COMMON INTEREST COMMUNITY THAT
16 IS NOT STAFFED SHALL ADOPT AND IMPLEMENT A PROCEDURE FOR
17 ALLOWING LEGITIMATE SERVICE OF PROCESS TO RESIDENTS.
18 (3) A LICENSED PRIVATE INVESTIGATOR WHO IS ALLOWED ACCESS
19 TO A COMMON INTEREST COMMUNITY TO SERVE PROCESS TO A RESIDENT
20 PURSUANT TO THIS SECTION SHALL NOT USE SUCH ACCESS TO PERFORM
21 ANY INVESTIGATIVE ACTIVITIES.
22 **SECTION 2.** In Colorado Revised Statutes, 13-1-125, **add** (4) as
23 follows:
24 **13-1-125. Service of process - service of process in multi-unit**

1 **residential communities.** (4) (a) ON AND AFTER THE EFFECTIVE DATE OF
2 THIS SUBSECTION (4), A PROPERTY MANAGER OR PROPERTY MANAGEMENT
3 COMPANY THAT MANAGES A MULTI-UNIT RESIDENTIAL COMMUNITY AND
4 THAT RESTRICTS ACCESS TO THE COMMUNITY BY NONRESIDENTS SHALL
5 ESTABLISH AND MAINTAIN A POLICY TO FACILITATE THE SERVICE OF
6 PROCESS TO RESIDENTS OF THE COMMUNITY.

7 (b) AS USED IN THIS SECTION, "PROPERTY MANAGER" INCLUDES,
8 BUT IS NOT LIMITED TO, A COMMUNITY ASSOCIATION MANAGER, AS
9 DEFINED IN SECTION 12-61-1001 (5), AND A DESIGNATED MANAGER, AS
10 DEFINED IN SECTION 12-61-1001 (5.5), OF A MULTI-UNIT RESIDENTIAL
11 COMMUNITY."

12 Page 3, strike lines 1 through 24.

13 Renumber succeeding section accordingly.

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