

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0835.01 Christy Chase x2008

**SENATE BILL 22-161**

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**SENATE SPONSORSHIP**

**Danielson and Jaquez Lewis,**

**HOUSE SPONSORSHIP**

**Duran and Froelich,**

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING THE MODERNIZATION OF PROCEDURES FOR THE**  
102            **ENFORCEMENT OF LAWS GOVERNING THE**  
103            **EMPLOYER-EMPLOYEE RELATIONSHIP.**

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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 updates and modifies laws pertaining to the payment of wages, employee misclassification, and workplace safety, and the enforcement procedures and remedies for violations of those laws, as follows:

- Changes the penalty for failure to provide requested

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

information to the division of labor standards and statistics in the department of labor and employment (DLSS) from a misdemeanor criminal offense to a daily penalty of up to \$50 (**section 1** of the bill);

- Requires an employer to: Provide notice to an employee, within 10 days after the employment terminates, before deducting from wages or compensation any amount of money or property the employee failed to return or repay upon termination of employment; pay the employee the deducted amount within 14 days after the employee returns or repays the money or property if the employee did so within 14 days after notice is provided; and pay 2 times the amount of the deduction if the employer fails to provide the required notice (**section 2**);
- Imposes automatic penalties, and adjusts the amount of the penalties for multiple violations within 5 years, on an employer that fails to pay past-due wages within 14 days after a written demand or civil or administrative action for the past-due wages is sent to or served on the employer (**section 3**);
- Repeals the requirement that an employee dismiss an action against an employer after the employer makes a legal tender for the full amount claimed in the action (**section 3**), and eliminates the authority of a court to award an employer reasonable attorney fees and costs in an action in which the employee claimed wages in excess of the greater of \$7,500 or the jurisdictional limit for small claims court and the employee does not recover an amount greater than the amount the employer tendered (**section 4**);
- For wage claims on or after January 1, 2023, increases the threshold for wage claims the director of the DLSS may adjudicate from \$7,500 or less to \$15,000 or less (**section 5**);
- Allows the director of the DLSS to use existing authority under labor laws to gather information pertinent to wage claims from employers, employees, and other persons or entities (**section 5**);
- If the DLSS determines that an employer has violated wage laws, allows employees who filed the wage claims to request the DLSS to notify similarly situated employees that the employer may be engaging in a pattern or practice of nonpayment of wages (**section 5**);
- Allows recovery of attorney fees, an additional fine of 50% of the amount of past-due wages, and a penalty of the greater of 50% of past-due wages or \$3,000 from an

employer that fails to pay an employee past-due wages within 60 days after the determination in favor of the employee (**section 5**);

- For a citation, notice of assessment, or order issued against an employer on or after January 1, 2023, requires the DLSS, upon request of an employee, to file a certified copy of the citation, notice, or order with the appropriate clerk of court, after which the clerk is required to enter the citation, notice, or order as a judgment of the court, and the judgment becomes a lien against the employer's property that is superior to all other liens except property tax liens (**section 6**);
- Authorizes the DLSS to issue a notice of administrative lien and levy, similar to a child support enforcement lien, when an employer fails to pay past-due wages, fines, or penalties, which lien attaches to the employer's real or personal property that is in the possession, custody, or control of another person (**section 6**);
- Allows an employee who alleges that the employer discriminated or retaliated against the employee for filing or participating in a wage claim to file a civil action to seek relief, including back pay, reinstatement or front pay, payment of unlawfully withheld wages, interest on past-due wages, penalties, liquidated damages, injunctive relief, and attorney fees and costs. The DLSS, after an investigation of a discrimination or retaliation claim, may also order similar relief to an employee, other than attorney fees and costs (**section 7**);
- Requires employers to ensure the workplace is constructed, operated, and equipped, and any machinery and equipment in the workplace is placed, operated, and lighted, in a manner that provides reasonable and adequate protections to the lives, health, and safety of all employees, and authorizes a new worker and employee unit in the department of law, in addition to an employee injured or threatened with injury, to enforce the workplace safety requirements (**section 8**);
- Establishes the worker and employee unit (unit) in the department of law to investigate and enforce wage theft, unemployment insurance and misclassification of employees, and workplace safety claims under specified circumstances (**sections 9 through 12**); and
- Modifies certain provisions of the mechanics' lien law to streamline its use in the context of workers enforcing wage claims for work performed on real property (**sections 13**

through 23).

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-1-114, **amend** (2)  
3 as follows:

4 **8-1-114. Employers and employees to furnish information -**  
5 **penalty.** (2) Any employer or employee who fails or refuses to furnish  
6 ~~such~~ information as may be required by the division under authority of  
7 ~~this article is guilty of a misdemeanor and, upon conviction thereof, shall~~  
8 ~~be punished by a fine of two hundred dollars if an employer and~~  
9 ~~twenty-five dollars if an employee~~ ARTICLE 1 SHALL PAY A PENALTY OF  
10 NOT LESS THAN FIFTY DOLLARS FOR EACH DAY THAT THE FAILURE OR  
11 REFUSAL CONTINUES. THE DIVISION SHALL TRANSMIT ANY PENALTY  
12 IMPOSED AND COLLECTED PURSUANT TO THIS SECTION TO THE STATE  
13 TREASURER, WHO SHALL CREDIT THE MONEY TO THE WAGE THEFT  
14 ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

15 **SECTION 2.** In Colorado Revised Statutes, 8-1-116, **amend** (2)  
16 as follows:

17 **8-1-116. Investigators to have access to premises - penalty.**  
18 (2) Any person who hinders or obstructs the director or any such person  
19 authorized by the director in the exercise of any power conferred by this  
20 article 1, or any employer who in bad faith refuses reasonable access to  
21 the employer's premises, or any person who gives advance notice of any  
22 inspection to be conducted under this article 1 without authority from the  
23 director or the director's designee commits a class 2 misdemeanor IS  
24 SUBJECT TO A PENALTY OF NOT LESS THAN FIFTY DOLLARS FOR EACH DAY  
25 THAT THE CONDUCT CONTINUES. THE DIVISION SHALL TRANSMIT ANY

1 PENALTY IMPOSED AND COLLECTED PURSUANT TO THIS SECTION TO THE  
2 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE WAGE THEFT  
3 ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

4 **SECTION 3.** In Colorado Revised Statutes, 8-1-117, **amend** (2)  
5 as follows:

6 **8-1-117. Director to have access to books - penalty.** (2) Any  
7 employer ~~who~~ THAT refuses to exhibit and furnish ~~said~~ THE director or  
8 any agents of the division an inspection of any books, records, and  
9 payrolls of ~~such~~ THE employer, showing or reflecting in any way upon the  
10 amount of wage expenditure of ~~such employers~~ THE EMPLOYER, and other  
11 data, facts, and statistics appertaining to the purposes of this article  
12 ARTICLE 1 or ~~who~~ THAT refuses to admit ~~such~~ THE director or any agent  
13 of the division to any place of employment shall pay a penalty of not less  
14 than fifty dollars for each day that ~~such~~ THE failure, neglect, or refusal  
15 continues. THE DIVISION SHALL TRANSMIT ANY PENALTY IMPOSED AND  
16 COLLECTED PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO  
17 SHALL CREDIT THE MONEY TO THE WAGE THEFT ENFORCEMENT FUND  
18 CREATED IN SECTION 8-4-113 (3).

19 **SECTION 4.** In Colorado Revised Statutes, 8-1-140, **amend** (2)  
20 as follows:

21 **8-1-140. Violation - penalty.** (2) If any employer, employee, or  
22 any other person fails, refuses, or neglects to perform any duty lawfully  
23 enjoined within the time prescribed by the director or fails, neglects, or  
24 refuses to obey any lawful order made by the director or any judgment or  
25 decree made by any court as provided in this article ARTICLE 1, for each  
26 such violation, ~~such~~ THE employer, employee, or any other person shall  
27 pay a penalty of not less than one hundred dollars for each day ~~such~~ THE

1 violation, failure, neglect, or refusal continues. THE DIVISION SHALL  
2 TRANSMIT ANY PENALTY IMPOSED AND COLLECTED PURSUANT TO THIS  
3 SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO  
4 THE WAGE THEFT ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

5 **SECTION 5.** In Colorado Revised Statutes, **amend 8-1-142** as  
6 **follows:**

7 **8-1-142. Collection of penalties.** All penalties provided for in this  
8 article ARTICLE 1 shall be collected in a civil action brought against the  
9 employer or employee in the name of the director, WHICH CIVIL ACTION  
10 MAY BE AN ADMINISTRATIVE ACTION OR A JUDICIAL ACTION AUTHORIZED  
11 BY LAW. Any fine provided in this article ARTICLE 1 is considered a  
12 penalty and recoverable in a civil action as provided in this section unless  
13 the violation of this article ARTICLE 1, for the punishment of which said  
14 fine is provided, is designated as a misdemeanor or other crime.

15 **SECTION 6.** In Colorado Revised Statutes, 8-4-105, **amend (1)**  
16 **introductory portion and (1)(e) as follows:**

17 **8-4-105. Payroll deductions permitted - notice required -**  
18 **penalty.** (1) ~~No~~ AN employer shall NOT make a deduction from the  
19 wages or compensation of an employee except as follows:

20 (e) (I) A deduction for the amount of money or the value of  
21 property that the employee failed to properly pay or return to the  
22 employer in the case where a terminated employee was entrusted during  
23 ~~his or her~~ THE EMPLOYEE'S employment with the collection, disbursement,  
24 or handling of such money or property, BUT ONLY AFTER PROVIDING  
25 NOTICE OF THE DEDUCTION AS SPECIFIED IN SUBSECTION (1)(e)(II) OF THIS  
26 SECTION.

27 (II) The employer ~~shall have~~ HAS ten calendar days after the

1 termination of employment to:

2 (A) Audit and adjust the accounts and property value of any items  
3 entrusted to the employee before the employee's wages or compensation  
4 shall be paid as provided in section 8-4-109. This is an exception to the  
5 pay requirements in section 8-4-109. The penalty provided in section  
6 8-4-109 shall apply only from the date of demand made after the  
7 expiration of the ten-day period allowed for payment of the employee's  
8 wages or compensation.

9 (B) PROVIDE NOTICE TO THE EMPLOYEE THAT THE EMPLOYER IS  
10 DEDUCTING FROM THE EMPLOYEE'S WAGES OR COMPENSATION THE  
11 AMOUNT OF MONEY OR THE VALUE OF PROPERTY THAT THE EMPLOYEE  
12 FAILED TO PROPERLY PAY OR RETURN TO THE EMPLOYER, WHICH NOTICE  
13 MUST INCLUDE A WRITTEN ACCOUNTING SPECIFYING THE AMOUNT OF  
14 MONEY OR THE SPECIFIC PROPERTY THAT THE EMPLOYEE FAILED TO PAY  
15 OR RETURN, THE REPLACEMENT VALUE OF THE PROPERTY, AND, TO THE  
16 EXTENT KNOWN, WHEN THE MONEY OR PROPERTY WAS PROVIDED TO THE  
17 EMPLOYEE AND WHEN THE EMPLOYER BELIEVES THE EMPLOYEE SHOULD  
18 HAVE PAID THE MONEY OR RETURNED THE PROPERTY TO THE EMPLOYER.

19 (III) AFTER AN EMPLOYER PROVIDES THE NOTICE REQUIRED BY  
20 SUBSECTION (1)(e)(II)(B) OF THIS SECTION AND MAKES A DEDUCTION  
21 FROM THE WAGES OR COMPENSATION OF AN EMPLOYEE, IF THE EMPLOYEE,  
22 WITHIN FOURTEEN DAYS AFTER THE EMPLOYER PROVIDES THE NOTICE,  
23 PAYS THE MONEY OR RETURNS THE PROPERTY THAT WAS THE BASIS FOR  
24 THE DEDUCTION, THE EMPLOYER SHALL PAY THE EMPLOYEE THE AMOUNT  
25 OF THE DEDUCTION WITHIN FOURTEEN DAYS AFTER THE EMPLOYEE PAYS  
26 THE MONEY OR RETURNS THE PROPERTY TO THE EMPLOYER.

27 (IV) If, ~~upon such audit and adjustment of~~ AFTER AUDITING AND

1 ADJUSTING the accounts and property value of any items entrusted to the  
2 employee PURSUANT TO SUBSECTION (1)(e)(II)(A) OF THIS SECTION AND  
3 PROVIDING NOTICE PURSUANT TO SUBSECTION (1)(e)(II)(B) OF THIS  
4 SECTION, it is found that any money or property entrusted to the employee  
5 by the employer has not been properly paid or returned TO the employer  
6 as provided by the terms of any agreement between the employer and the  
7 employee, the employee ~~shall not be~~ IS NOT entitled to the benefit of  
8 payment pursuant to section 8-4-109, but the EMPLOYEE'S claim for  
9 unpaid wages or compensation ~~of such employee~~ shall be disposed of as  
10 provided for by this ~~article~~ ARTICLE 4.

11 **SECTION 7.** In Colorado Revised Statutes, 8-4-109, **amend**  
12 (1)(a) introductory portion and (3) as follows:

13 **8-4-109. Termination of employment - payments required -**  
14 **civil penalties - payments to surviving spouse or heir.** (1) (a) ~~When an~~  
15 ~~interruption in the employer-employee relationship by volition of the~~  
16 ~~employer occurs,~~ The wages or compensation for labor or service earned,  
17 vested, determinable, and unpaid at the time of such discharge ~~EMPLOYEE~~  
18 SEPARATION OR AS OF THE MOST RECENT REGULAR PAYDAY is due and  
19 payable immediately. If at such time the employer's accounting unit,  
20 responsible for the drawing of payroll checks, is not regularly scheduled  
21 to be operational, then THE EMPLOYER SHALL MAKE the wages due the  
22 ~~separated~~ CURRENT OR FORMER employee ~~shall be made~~ available to the  
23 CURRENT OR FORMER employee no later than six hours after the start of  
24 ~~such~~ THE employer's accounting unit's next regular workday; except that,  
25 if the accounting unit is located off the work site, the employer shall  
26 deliver the check for wages due the ~~separated~~ CURRENT OR FORMER  
27 employee no later than twenty-four hours after the start of ~~such~~ THE



1 employer's accounting unit's next regular workday to one of the following  
2 locations selected by the employer:

3 (3) (a) If an employer refuses to pay wages or compensation in  
4 accordance with subsection (1) of this section, the employee, ~~his or her~~  
5 THE EMPLOYEE'S designated agent, or the division may send a written  
6 demand for the payment ON BEHALF OF THE EMPLOYEE OR A GROUP OF  
7 SIMILARLY SITUATED EMPLOYEES OR MAY FILE AN ADMINISTRATIVE CLAIM  
8 OR CIVIL ACTION FOR THE PAYMENT.

9 (a.5) If the employer disputes the amount of wages or  
10 compensation claimed by an employee under this ~~article~~ ARTICLE 4 and  
11 if, within fourteen days after the written demand is sent OR THE  
12 ADMINISTRATIVE CLAIM OR CIVIL ACTION IS SENT TO OR SERVED ON THE  
13 EMPLOYER, the employer makes a legal tender of the FULL amount ~~that the~~  
14 ~~employer in good faith believes is due~~ OF ALL WAGES THAT THE  
15 EMPLOYEE, THE EMPLOYEE'S DESIGNATED AGENT, OR THE DIVISION  
16 DEMANDS ARE OWED FOR ANY VIOLATION OF THIS ARTICLE 4, the employer  
17 shall not be liable for any penalty unless, in a legal proceeding, including  
18 a civil action or an administrative procedure under sections 8-4-111 and  
19 8-4-111.5, the employee recovers a greater sum than the amount ~~so~~ THE  
20 EMPLOYER tendered.

21 (b) ON OR AFTER JANUARY 1, 2023, if AN EMPLOYER FAILS OR  
22 REFUSES TO PAY, IN THE MANNER SPECIFIED IN SUBSECTION (3)(d) OF THIS  
23 SECTION, an employee's ALL earned, vested, and determinable wages or  
24 compensation is ~~not paid~~ within fourteen days after the written demand  
25 is sent ~~in the manner set forth in paragraph (d) of this subsection (3) OR~~  
26 WITHIN FOURTEEN DAYS AFTER A CIVIL ACTION OR ADMINISTRATIVE CLAIM  
27 FOR THE WAGES OR COMPENSATION IS SENT TO OR SERVED ON THE

1 EMPLOYER, the employer ~~shall be~~ IS liable to the employee OR GROUP OF  
2 SIMILARLY SITUATED EMPLOYEES for the AMOUNT OF THE EARNED,  
3 VESTED, DETERMINABLE, AND UNPAID wages or compensation ~~and a~~ PLUS  
4 AN AUTOMATIC penalty of: ~~the sum of the following amounts of wages or~~  
5 ~~compensation due or, if greater, the employee's average daily earnings for~~  
6 ~~each day, not to exceed ten days, until such payment or other settlement~~  
7 ~~satisfactory to the employee is made:~~

8 (I) ~~One hundred twenty-five percent of that~~ THE GREATER OF TWO  
9 ~~TIMES THE amount of such~~ THE UNPAID wages or compensation up to and  
10 ~~including seven thousand five hundred dollars; and~~ OR ONE THOUSAND  
11 DOLLARS; OR

12 (II) ~~Fifty percent of that~~ IF THE EMPLOYEE CAN SHOW THAT THE  
13 EMPLOYER'S FAILURE OR REFUSAL TO PAY WAGES OR COMPENSATION WAS  
14 WILLFUL, THE WAGE CLAIM IS FOR LESS THAN FIFTY THOUSAND DOLLARS,  
15 AND THE EMPLOYEE IS NOT A HIGHLY COMPENSATED EMPLOYEE, AS  
16 DEFINED IN THE ANNUAL COLORADO OVERTIME AND MINIMUM PAY  
17 STANDARDS (COMPS) ORDER ADOPTED BY THE DIRECTOR, THE GREATER  
18 ~~OF THREE TIMES THE amount of such~~ THE UNPAID wages or compensation  
19 ~~that exceed seven~~ OR THREE thousand five hundred dollars.

20 (c) ~~If the employee can show that the employer's failure to pay is~~  
21 willful, the penalty required under paragraph (b) of this subsection (3)  
22 shall increase by fifty percent. Evidence that a JUDGMENT OR WAGE  
23 DETERMINATION OF THE DIVISION has, within the previous five years, been  
24 entered against the employer for failure to pay wages or compensation is  
25 admissible as evidence of willful conduct. AN EMPLOYER'S FAILURE OR  
26 REFUSAL TO PAY WAGES OR COMPENSATION IS PER SE WILLFUL IF THE  
27 EMPLOYEE CAN SHOW THAT THE CLAIM FOR WHICH A PENALTY UNDER

1 SUBSECTION (3)(b) OF THIS SECTION IS ASSESSED IS THE EMPLOYER'S  
2 SECOND OR SUBSEQUENT FAILURE OR REFUSAL TO PAY TO EMPLOYEES  
3 WAGES OR COMPENSATION OF THE SAME OR SIMILAR TYPE WITHIN THE  
4 FIVE YEARS IMMEDIATELY PRECEDING THE CLAIM.

5 (d) (I) The employer shall send or deliver payment, by check,  
6 draft, or voucher in the employee's name, to the employee at the address  
7 contained in the written demand OR ADMINISTRATIVE CLAIM OR CIVIL  
8 ACTION; or make the payment by direct deposit authorized under section  
9 8-4-102 (2) if the employee has not revoked the authorization. The  
10 employer may, but is not required to, make the payment by direct deposit  
11 to an account specified by the employee in the demand, ADMINISTRATIVE  
12 CLAIM, OR COURT ACTION, even if the employee has not previously  
13 authorized direct deposit of the employee's compensation, or make the  
14 payment by another method requested by the employee in the demand,  
15 ADMINISTRATIVE CLAIM, OR COURT ACTION, if applicable. If the employee  
16 has not previously authorized direct deposit of compensation and the  
17 demand, ADMINISTRATIVE CLAIM, OR COURT ACTION does not state an  
18 address to which the payment should be mailed, the employer shall make  
19 the payment as follows:

20 (A) To the employee's last-known address according to the  
21 records of the employer; or

22 (B) If applicable and if the employer so elects, as otherwise  
23 requested by the employee in the demand, ADMINISTRATIVE CLAIM, OR  
24 COURT ACTION.

25 (II) The employee or ~~his or her~~ THE EMPLOYEE'S designated agent  
26 may commence a civil action to recover the penalty set forth in this  
27 subsection (3). ~~For an action filed in a small claims court, established~~

1 pursuant to part 4 of article 6 of title 13, C.R.S., if the employer has not  
2 received a written demand at least fourteen days before the employer is  
3 served with the complaint or other document commencing the action,  
4 service of the complaint or other document serves as the written demand  
5 under this subsection (3): If, an WITHIN FOURTEEN DAYS AFTER A WRITTEN  
6 DEMAND IS SENT TO OR AN ADMINISTRATIVE CLAIM OR A CIVIL ACTION IS  
7 SENT TO OR SERVED ON THE EMPLOYER, THE employer makes a FULL legal  
8 tender of the full amount claimed in the action within fourteen days after  
9 service of the complaint or other document commencing the action ALL  
10 AMOUNTS DEMANDED FOR ALL EMPLOYEES, the employee shall dismiss the  
11 action.

12 **SECTION 8.** In Colorado Revised Statutes, 8-4-110, **amend** (1)  
13 as follows:

14 **8-4-110. Disputes - fees.** (1) (a) THE DIVISION OR COURT, AS  
15 APPLICABLE, MAY AWARD THE EMPLOYER REASONABLE COSTS INCURRED  
16 IN THE ADMINISTRATIVE CLAIM OR CIVIL ACTION IF, WITHIN FOURTEEN  
17 DAYS AFTER A WRITTEN DEMAND LETTER IS SENT OR AN ADMINISTRATIVE  
18 CLAIM OR A CIVIL ACTION IS SENT TO OR SERVED ON THE EMPLOYER FOR  
19 UNPAID WAGES OR COMPENSATION:

20 (I) THE EMPLOYER MAKES FULL LEGAL TENDER OF ALL AMOUNTS  
21 DEMANDED FOR ALL EMPLOYEES; AND

22 (II) THE EMPLOYEES RECEIVING SUCH TENDER:

23 (A) ARE HIGHLY COMPENSATED EMPLOYEES, AS DEFINED IN THE  
24 ANNUAL COLORADO OVERTIME AND MINIMUM PAY STANDARDS (COMPS)  
25 ORDER ADOPTED BY THE DIRECTOR, WHO PROCEED WITH AN  
26 ADMINISTRATIVE CLAIM OR CIVIL ACTION SEEKING MORE THAN FIFTY  
27 THOUSAND DOLLARS IN WAGES OR COMPENSATION PER EMPLOYEE; AND

1           (B) ULTIMATELY FAIL TO RECOVER A TOTAL SUM THAT IS GREATER  
2           THAN THE AMOUNT THE EMPLOYER TENDERED.

3           (b) If, in any AN ADMINISTRATIVE CLAIM OR CIVIL action the  
4           ~~employee fails to recover a greater sum than the amount tendered by the~~  
5           ~~employer, the court may award the employer reasonable costs and~~  
6           ~~attorney fees incurred in such action when, in any pleading or other court~~  
7           ~~filing, the employee claims wages or compensation that exceed the~~  
8           ~~greater of seven thousand five hundred dollars in wages or compensation~~  
9           ~~or the jurisdictional limit for the small claims court, whether or not the~~  
10           ~~case was filed in small claims court or whether or not the total amount~~  
11           ~~sought in the action was within small claims court jurisdictional limits. If,~~  
12           ~~in any such action in which the employee seeks to recover any amount of~~  
13           ~~wages or compensation, the employee recovers a sum greater than the~~  
14           ~~amount tendered by the employer, the DIVISION OR court, AS APPLICABLE,~~  
15           ~~may award the employee reasonable costs and attorney fees incurred in~~  
16           ~~such THE ADMINISTRATIVE CLAIM OR CIVIL action. If an employer fails or~~  
17           ~~refuses to make a tender within fourteen days after the demand OR~~  
18           ~~ADMINISTRATIVE CLAIM OR CIVIL ACTION, then such failure or refusal shall~~  
19           ~~MUST be treated as a tender of no money for any purpose under this article~~  
20           ARTICLE 4.

21           **SECTION 9.** In Colorado Revised Statutes, 8-4-111, **amend** (1),  
22           (2)(a)(I) introductory portion, and (2)(c); and **add** (2)(f) as follows:

23           **8-4-111. Enforcement - duty of director - duties of district or**  
24           **city attorneys - rules.** (1) (a) (I) It is the duty of the director to:

25           (A) Inquire diligently for any violation of this ~~article, and to~~  
26           ARTICLE 4;

27           (B) Institute the actions for penalties or fines provided for in this

1 ~~article~~ ARTICLE 4 in such cases as ~~he or she may deem~~ THE DIRECTOR  
2 DEEMS proper; and to

3 (C) Enforce generally the provisions of this ~~article~~. For wages and  
4 ~~compensation earned on and after January 1, 2015~~ ARTICLE 4.

5 (II) (A) BEFORE JANUARY 1, 2023, the director may establish an  
6 administrative procedure to receive complaints and adjudicate claims for  
7 nonpayment of wages or compensation of seven thousand five hundred  
8 dollars or less.

9 (B) ON AND AFTER JANUARY 1, 2023, THE DIRECTOR MAY  
10 ESTABLISH AN ADMINISTRATIVE PROCEDURE TO RECEIVE COMPLAINTS AND  
11 ADJUDICATE CLAIMS FOR NONPAYMENT OF WAGES OR COMPENSATION OF  
12 FIFTEEN THOUSAND DOLLARS OR LESS PER CLAIMANT.

13 (III) The procedures ESTABLISHED PURSUANT TO SUBSECTION  
14 (1)(a)(II) OF THIS SECTION may include claims of employees where no  
15 interruption of the employer-employee relationship has occurred.

16 (IV) The penalties AND FINES established by section 8-4-109 (3)  
17 apply to actions instituted by the director OR ADJUDICATED AFTER A  
18 COMPLAINT WAS RECEIVED under this ~~article~~ ARTICLE 4 when no  
19 interruption of the employer-employee relationship has occurred.

20 (b) The director shall promulgate rules providing for notice to  
21 employees of an employee's rights under this section and section  
22 8-4-111.5, of the limitations on the amount of wages, compensation, and  
23 penalties available under the administrative remedy, and of the  
24 employee's option to bring a claim for wages and compensation in court  
25 without pursuing the administrative remedy unless the employee has  
26 accepted payment pursuant to ~~paragraph (c) of subsection (2)~~ SUBSECTION  
27 (2)(e) of this section.

1 (c) FOR PURPOSES OF INVESTIGATING WAGE COMPLAINTS AND  
2 FACILITATING THE COLLECTION OF UNPAID WAGES BEFORE OR AFTER A  
3 DETERMINATION PURSUANT TO THIS SECTION, THE DIVISION MAY APPLY  
4 THE INFORMATION-GATHERING PROVISIONS OF ARTICLE 1 OF THIS TITLE 8  
5 TO ANY EMPLOYER, EMPLOYEE, OR OTHER PERSON OR ENTITY.

6 (2) (a) (I) If one or more employees files a wage complaint with  
7 the division claiming unpaid wages or compensation of seven thousand  
8 five hundred dollars or less OR, ON AND AFTER JANUARY 1, 2023, OF  
9 FIFTEEN THOUSAND DOLLARS OR LESS, per employee, exclusive of  
10 penalties and fines, the division shall investigate the wage complaint. The  
11 division shall initiate the administrative procedure by sending a notice of  
12 complaint to the employer by mail or electronic means in accordance with  
13 rules as the director may promulgate when the complaint states a claim  
14 for relief. The notice of the complaint must include:

15 (c) (I)      If the division determines that an employer has violated  
16 this ~~article~~ ARTICLE 4 for nonpayment of wages or compensation, the  
17 division shall issue a citation and notice of assessment for the amount  
18 determined that is owed, which amount must include all wages and  
19 compensation owed, penalties pursuant to section 8-4-109, and any fines  
20 pursuant to section 8-4-113.

21 (II) THE DIVISION SHALL NOTIFY THE WORKER AND EMPLOYEE  
22 PROTECTION UNIT IN THE DEPARTMENT OF LAW CREATED IN SECTION  
23 24-31-1202, AT LEAST ONCE EVERY SIX MONTHS, OF ANY  
24 DETERMINATIONS PURSUANT TO THIS SUBSECTION (2)(c) THAT WERE  
25 BASED, IN WHOLE OR IN PART, ON A FINDING THAT THE EMPLOYER  
26 MISCLASSIFIED ONE OR MORE EMPLOYEES AS INDEPENDENT CONTRACTORS.

27

1 (f) IF AN EMPLOYER FAILS TO PAY AN EMPLOYEE THE AMOUNT THE  
2 DIVISION DETERMINES, PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION,  
3 OR A HEARING OFFICER DETERMINES, PURSUANT TO SECTION 8-4-111.5, TO  
4 BE OWED WITHIN SIXTY DAYS AFTER THE DIVISION'S DETERMINATION OR  
5 THE HEARING OFFICER'S DECISION, WHICHEVER IS APPLICABLE, THE  
6 FOLLOWING MAY BE RECOVERED FROM THE EMPLOYER:

7 (I) ATTORNEY FEES INCURRED IN PURSUING A CIVIL ACTION TO  
8 ENFORCE THE DIVISION'S DETERMINATION OR THE HEARING OFFICER'S  
9 DECISION;

10 (II) AN ADDITIONAL FINE EQUAL TO FIFTY PERCENT OF THE  
11 AMOUNT DETERMINED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION;  
12 AND

13 (III) A PENALTY EQUAL TO THE GREATER OF FIFTY PERCENT OF THE  
14 AMOUNT DETERMINED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION  
15 OR THREE THOUSAND DOLLARS.

16 **SECTION 10.** In Colorado Revised Statutes, **amend** 8-4-113 as  
17 follows:

18 **8-4-113. Fines pursuant to enforcement - wage theft**  
19 **enforcement fund - created - administrative lien and levy of employer**  
20 **assets - definition.** (1) (a) (I) If a case against an employer is enforced  
21 pursuant to section 8-4-111, any employer who without good faith legal  
22 justification fails to pay the wages of each of ~~his or her~~ THE EMPLOYER'S  
23 employees shall forfeit to the people of the state of Colorado a fine in an  
24 amount determined by the director or hearing officer but no more than the  
25 sum of fifty dollars per day for each such failure to pay each employee,  
26 commencing from the date that such wages first became due and payable.

27 (II) The division may collect the fine      IMPOSED PURSUANT TO



1 THIS SUBSECTION (1)(a) through its citation and notice of assessment  
2 issued pursuant to section 8-4-111 (2) or after a hearing conducted  
3 pursuant to section 8-4-111.5.

4 (b) The director or hearing officer shall impose a fine of two  
5 hundred fifty dollars on an employer who fails to respond to a notice of  
6 complaint or to any other notice from the division to which a response is  
7 required. The director or hearing officer may waive or reduce the fine  
8 only if ~~he or she~~ THE DIRECTOR OR HEARING OFFICER finds good cause for  
9 an extension of the time for the employer to file the response.

10 (2) (a) THE DIVISION MAY, AND, ON OR AFTER JANUARY 1, 2023,  
11 AT THE REQUEST OF A WORKER SHALL, FILE a certified copy of any  
12 citation, notice of assessment, or order imposing wages due, fines, ~~or~~  
13 penalties, OR OTHER RELIEF pursuant to this ~~article may be filed~~ ARTICLE  
14 4 with the clerk of any court having jurisdiction over the parties at any  
15 time after the entry of the CITATION, NOTICE, OR order. ~~The certified copy~~  
16 ~~shall be recorded by~~ THE DIVISION MAY FILE ONE CERTIFIED COPY OF THE  
17 CITATION, NOTICE, OR ORDER FOR ALL AMOUNTS OWED TO, OR FOR OTHER  
18 RELIEF FOR, ALL EMPLOYEES.

19 (b) The clerk of the ~~district~~ court SHALL RECORD THE CITATION,  
20 NOTICE, OR ORDER in the judgment book of ~~said~~ THE court and MAKE AN  
21 entry ~~thereof made~~ in the judgment docket. ~~and it shall thenceforth have~~  
22 ~~all~~ UPON RECORDING, THE CITATION, NOTICE OF ASSESSMENT, OR ORDER  
23 HAS the effect of AND MAY BE EXECUTED AS a judgment of the ~~district~~  
24 court. ~~and execution may issue thereon out of said court as in other cases.~~

25 (c) (I) UPON RECORDING PURSUANT TO SUBSECTION (2)(b) OF  
26 THIS SECTION, THE JUDGMENT IS SUFFICIENT TO SUPPORT THE ISSUANCE OF  
27 WRITS OF GARNISHMENT IN THE MANNER PROVIDED BY LAW IN THE CASE

1 OF A JUDGMENT THAT IS WHOLLY OR PARTIALLY UNSATISFIED.

2 (II) THE COURT SHALL MAIL A COPY OF THE JUDGMENT TO THE  
3 EMPLOYER WITHIN THREE DAYS AFTER THE DIVISION HAS FILED THE  
4 CITATION, NOTICE, OR ORDER WITH THE CLERK OF THE COURT.

5

6 (3) (a) The division shall transmit all fines     collected FOR THE  
7 STATE pursuant to this section OR SECTION 8-1-114 (2), 8-1-116 (2),  
8 8-1-117 (2), OR 8-1-140 (2) to the state treasurer, who shall credit the  
9 same to the wage theft enforcement fund, which fund is created and  
10 referred to in this section as the "fund". The ~~moneys~~ MONEY in the fund  
11 ~~are~~ IS subject to annual appropriation by the general assembly to the  
12 division for the direct and indirect costs associated with implementing  
13 this ~~article~~ ARTICLE 4.

14 (b) The state treasurer may invest any ~~moneys~~ MONEY in the fund  
15 not expended for the purpose of this ~~article~~ ARTICLE 4 as provided by law.  
16 The state treasurer shall credit all interest and income derived from the  
17 investment and deposit of ~~moneys~~ MONEY in the fund to the fund. Any  
18 unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at  
19 the end of a fiscal year ~~remain~~ REMAINS in the fund and must not be  
20 credited or transferred to the general fund or another fund.

21 (4) (a) ON OR AFTER JANUARY 1, 2023, IF AN EMPLOYER FAILS TO  
22 PAY WAGES DETERMINED TO BE DUE TO THE EMPLOYER'S EMPLOYEES OR  
23 FINES OR PENALTIES DETERMINED TO BE DUE PURSUANT TO THIS ARTICLE  
24 4, THE DIVISION MAY ISSUE A NOTICE OF ADMINISTRATIVE LIEN AND LEVY  
25 TO ANY PERSON THAT HAS POSSESSION, CUSTODY, OR CONTROL OF THE  
26 EMPLOYER'S ASSETS. THE DIVISION MAY ISSUE THE NOTICE OF  
27 ADMINISTRATIVE LIEN AND LEVY WHEN AN EMPLOYER IS PAST DUE ON

1 PAYING WAGES DETERMINED TO BE DUE TO ITS EMPLOYEES AND ANY FINES  
2 OR PENALTIES DETERMINED TO BE DUE PURSUANT TO THIS ARTICLE 4  
3 WITHOUT AN ORDER STAYING OR REVERSING THE APPLICABLE DEADLINE  
4 FOR PAYMENT. THE NOTICE MUST INCLUDE THE FOLLOWING STATEMENTS  
5 AND INFORMATION:

6 (I) THE NAME AND ADDRESS OF THE PERSON THAT HAS  
7 POSSESSION, CUSTODY, OR CONTROL OF THE EMPLOYER'S ASSETS;

8 (II) THE EMPLOYER'S NAME, LAST-KNOWN ADDRESS, AND  
9 TAXPAYER IDENTIFICATION NUMBER, IF KNOWN;

10 (III) THE TOTAL AMOUNT OWED FOR PAST-DUE WAGES, FINES, AND  
11 PENALTIES, AS IDENTIFIED BY THE DIVISION AS PROVIDED IN THIS ARTICLE  
12 4;

13 (IV) A STATEMENT THAT:

14 (A) THE NOTICE OF ADMINISTRATIVE LIEN AND LEVY TAKES  
15 EFFECT, AND IS SUPERIOR TO ANY OTHER LIEN ON THE SAME ASSETS THAT  
16 IS FILED LATER IN TIME; ==

17 (B) UNLESS THE DIVISION CONSENTS TO AN EARLIER DISPOSITION,  
18 THE PERSON MAY NOT TRANSFER OR DISPOSE OF THE ASSETS IN THE  
19 POSSESSION, CUSTODY, OR CONTROL OF THE PERSON FROM THE DATE THE  
20 PERSON RECEIVED THE NOTICE UNTIL FURTHER ORDER; AND

21 (C) A PERSON THAT RECEIVES NOTICE PURSUANT TO THIS  
22 SUBSECTION (4) AND THAT TRANSFERS OR DISPOSES OF THE ASSETS AFTER  
23 RECEIPT OF THE NOTICE IS LIABLE FOR THE AMOUNT OF THE PAST-DUE  
24 WAGES, FINES, AND PENALTIES OWED BY THE EMPLOYER, TO THE EXTENT  
25 OF THE VALUE OF THE TRANSFERRED OR DISPOSED OF ASSETS;

26 (V) INSTRUCTIONS ON THE REMITTANCE, TRANSMISSION, OR  
27 TRANSFER OF THE WITHHELD OR SURRENDERED AMOUNTS OR OTHER

1 ASSETS, INCLUDING THE REQUIREMENT THAT EACH CHECK, REMITTANCE,  
2 TRANSMISSION, OR TRANSFER:

3 (A) BE PAYABLE TO, TRANSMITTED TO, OR TRANSFERRED TO THE  
4 DIVISION OR OTHER PAYEE OR TRANSFEREE DESIGNATED BY THE DIVISION  
5 IN THE NOTICE AND SENT TO THE ADDRESS INDICATED IN THE NOTICE OR  
6 OTHERWISE TRANSMITTED OR TRANSFERRED AS SPECIFIED IN THE NOTICE;

7 (B) BE SURRENDERED WITHIN THIRTY DAYS AFTER THE DATE OF  
8 THE NOTICE OF THE LIEN AND LEVY; AND

9 (C) INCLUDE THE DIVISION CASE NUMBER ON THE FACE OF THE  
10 CHECK, REMITTANCE, TRANSMISSION, OR TRANSFER;

11 (VI) A STATEMENT THAT, IF NO ASSETS ARE AVAILABLE FOR  
12 SURRENDER, THE PERSON MUST RETURN THE REMITTANCE NOTICE WITHIN  
13 THIRTY DAYS AFTER THE DATE OF THE NOTICE OF THE LIEN AND LEVY; AND

14 (VII) A STATEMENT THAT THE ADMINISTRATIVE LIEN AND LEVY IS  
15 AUTOMATICALLY INACTIVATED ONCE THE PERSON RETURNS THE  
16 REMITTANCE NOTICE OR SURRENDERS THE ASSETS HELD BY THE PERSON.

17 (b) (I) IN ORDER TO ATTACH AND COLLECT AN EMPLOYER'S ASSETS  
18 THAT ARE IN THE POSSESSION, CUSTODY, OR CONTROL OF ANOTHER  
19 PERSON FOR PURPOSES OF COLLECTING PAST-DUE WAGES, FINES, AND  
20 PENALTIES, THE DIVISION IS AUTHORIZED TO SERVE, BY FIRST-CLASS OR  
21 OVERNIGHT MAIL, BY PERSONAL DELIVERY, OR, IF MUTUALLY AGREED  
22 UPON, THROUGH ELECTRONIC MEANS PUBLISHED BY THE PERSON, A NOTICE  
23 OF ADMINISTRATIVE LIEN AND LEVY ON ANY PERSON THAT HAS  
24 POSSESSION, CUSTODY, OR CONTROL OF THE EMPLOYER'S ASSETS. A  
25 NOTICE OF ADMINISTRATIVE LIEN AND LEVY IS EFFECTIVE IF IT IS  
26 DELIVERED OR MAILED TO THE PRINCIPAL OFFICE OR ANY BRANCH OFFICE  
27 OF THE PERSON THAT HAS POSSESSION, CUSTODY, OR CONTROL OF THE

1 EMPLOYER'S ASSETS.

2 (II) THE ADMINISTRATIVE LIEN AND LEVY APPLIES AGAINST ALL  
3 ASSETS OF THE EMPLOYER THAT ARE IN THE POSSESSION, CUSTODY, OR  
4 CONTROL OF THE PERSON SERVED WITH THE NOTICE AT THE TIME OF, AND  
5 WITHIN SIXTY DAYS AFTER, RECEIPT OF THE NOTICE.

6 (III) THE DIVISION SHALL PROVIDE A COPY OF THE  
7 ADMINISTRATIVE LIEN AND LEVY TO THE EMPLOYER AND SHALL INCLUDE  
8 INFORMATION ON THE EMPLOYER'S RIGHT TO FILE AN APPLICABLE  
9 EXCEPTION, EXEMPTION, OR APPEAL, AS SPECIFIED BY THE DIRECTOR BY  
10 RULE, INCLUDING AN EXCEPTION, EXEMPTION, OR APPEAL FOR CUSTODIAL  
11 ACCOUNTS PURSUANT TO SECTION 11-50-110, THE EARNINGS LIMITATIONS  
12 SET FORTH IN SECTION 13-54-104 (3), OR THE APPEAL POLICY FOR JOINTLY  
13 OWNED OR SHARED ACCOUNTS.

14 (IV) UPON SATISFACTION OF THE PAST-DUE WAGE, FINE, OR  
15 PENALTY OBLIGATIONS GIVING RISE TO THE ADMINISTRATIVE LIEN AND  
16 LEVY, THE EMPLOYER MAY REQUEST AND BE PROVIDED CONFIRMATION  
17 THAT THE LIEN IS EXTINGUISHED.

18 (c) THIS SUBSECTION (4) APPLIES TO ALL PAST-DUE WAGE, FINE,  
19 AND PENALTY OBLIGATIONS ORDERED AS PART OF ANY PROCEEDING,  
20 REGARDLESS OF WHEN THE ORDER WAS ENTERED, AND ALL EMPLOYERS  
21 THAT OWE WAGES, FINES, OR PENALTIES ARE SUBJECT TO NOTICE OF  
22 ADMINISTRATIVE LIEN AND LEVY AS DESCRIBED IN THIS SUBSECTION (4).

23 (d) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO  
24 IMPLEMENT THIS SUBSECTION (4).

25 (e) AS USED IN THIS SUBSECTION (4), "ASSET" MEANS ANY:

26 (I) REAL, INTANGIBLE, OR PERSONAL PROPERTY OF AN EMPLOYER;

27 (II) AN EMPLOYER'S RIGHT TO REAL, INTANGIBLE, OR PERSONAL

- 1 PROPERTY;
- 2 (III) PAYMENTS DUE TO AND ACCOUNTS RECEIVABLE OF AN
- 3 EMPLOYER; AND
- 4 (IV) CREDITS OR DEBTS INVOLVING THE EMPLOYER.

5 **SECTION 11.** In Colorado Revised Statutes, **amend** 8-4-120 as

6 follows:

7 **8-4-120. Discrimination and retaliation prohibited - employee**

8 **protections - criminal penalties - civil remedies.** (1) ~~NO~~ AN employer

9 shall NOT intimidate, threaten, restrain, coerce, blacklist, discharge, or in

10 any manner discriminate OR RETALIATE against any employee who has:

11 (a) Filed any complaint or instituted or caused to be instituted any

12 proceeding under this article 4 or ~~related~~ ANY OTHER law OR RULE

13 RELATED TO WAGES OR HOURS; or ~~who has~~

14 (b) Testified OR PROVIDED OTHER EVIDENCE, or may testify OR

15 PROVIDE OTHER EVIDENCE, in any proceeding on behalf of ~~himself,~~

16 ~~herself,~~ THE EMPLOYEE or another PERSON regarding afforded protections

17 under this article 4 OR UNDER ANY OTHER LAW OR RULE RELATED TO

18 WAGES OR HOURS.

19 (2) ~~Any~~ AN employer who violates ~~the provisions of~~ this section

20 commits a class 2 misdemeanor.

21 (3) (a) AN EMPLOYEE WHO ALLEGES A VIOLATION OF SUBSECTION

22 (1) OF THIS SECTION MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT

23 JURISDICTION AGAINST THE EMPLOYER ALLEGED TO HAVE VIOLATED THIS

24 SECTION TO SEEK LEGAL AND EQUITABLE RELIEF AS APPROPRIATE TO

25 REMEDY THE VIOLATION, INCLUDING:

- 26 (I) BACK PAY;
- 27 (II) REINSTATEMENT OF EMPLOYMENT OR, IF REINSTATEMENT IS

1 NOT FEASIBLE, FRONT PAY;

2 (III) THE PAYMENT OF WAGES UNLAWFULLY WITHHELD;

3 (IV) INTEREST ON UNPAID WAGES AT A RATE OF TWELVE PERCENT  
4 PER ANNUM FROM THE DATE THE WAGES WERE FIRST DUE;

5 (V) THE PAYMENT OF A PENALTY OF ONE HUNDRED DOLLARS PER  
6 DAY FOR EACH EMPLOYEE WHOSE RIGHTS UNDER THIS SECTION WERE  
7 VIOLATED AND FOR EACH DAY THAT THE VIOLATION OCCURRED OR  
8 CONTINUED;

9 (VI) LIQUIDATED DAMAGES IN AN AMOUNT UP TO THREE TIMES  
10 THE AMOUNT OF THE UNPAID WAGES; AND

11 (VII) INJUNCTIVE RELIEF.

12 (b) IF THE EMPLOYEE PREVAILS IN A CIVIL ACTION BROUGHT  
13 PURSUANT TO THIS SUBSECTION (3), THE COURT SHALL AWARD THE  
14 EMPLOYEE REASONABLE ATTORNEY FEES AND COSTS.

15 (4) THE DIVISION MAY INVESTIGATE AND ENFORCE  
16 DISCRIMINATION OR RETALIATION PROHIBITED BY THIS ARTICLE 4 OR  
17 ARTICLE 6 OF THIS TITLE 8 AND, AFTER INVESTIGATION, MAY ORDER THE  
18 RELIEF SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

19

==

20 **SECTION 12.** In Colorado Revised Statutes, 8-72-114, **amend**  
21 (9) as follows:

22 **8-72-114. Employee misclassification - investigations -**  
23 **enforcement - advisory opinions - rules - employee misclassification**  
24 **advisory opinion fund - statewide study - report - definitions -**  
25 **legislative declaration.** (9) (a) Subject to the approval of the executive  
26 director, the director may enter into an interagency agreement with the  
27 department of law for assistance in enforcing this section. The director is

1 authorized to transfer to the department of law from the unemployment  
2 revenue fund created in section 8-77-106 such money as is necessary to  
3 pay for reasonable costs associated with enforcement actions by the  
4 department of law.

5 (b) REGARDLESS OF WHETHER THE DIRECTOR HAS ENTERED INTO  
6 AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF LAW PURSUANT  
7 TO SUBSECTION (9)(a) OF THIS SECTION, AT LEAST ONCE EVERY SIX  
8 MONTHS, THE DIRECTOR SHALL SHARE WITH THE WORKER AND EMPLOYEE  
9 PROTECTION UNIT IN THE DEPARTMENT OF LAW CREATED IN SECTION  
10 24-31-1202 ANY ORDERS ISSUED PURSUANT TO THIS SECTION FINDING  
11 THAT ANY EMPLOYERS HAVE ENGAGED IN THE MISCLASSIFICATION OF  
12 EMPLOYEES.

13 **SECTION 13.** In Colorado Revised Statutes, 24-31-101, **amend**  
14 (1)(i) as follows:

15 **24-31-101. Powers and duties of attorney general.** (1) The  
16 attorney general:

17 (i) May INDEPENDENTLY INITIATE AND bring civil and criminal  
18 actions to enforce state laws, including actions brought pursuant to:

19 (I) The "Colorado Antitrust Act of 1992", ~~in~~ article 4 of title 6;

20 (II) The "Colorado Consumer Protection Act", ~~in~~ article 1 of title  
21 6;

22 (III) The "Unfair Practices Act", ~~in~~ article 2 of title 6;

23 (IV) Article 12 of title 6; ~~and sections~~

24 (V) SECTION 6-1-110;

25 (VI) SECTION 11-51-603.5;

26 (VII) SECTION 24-34-505.5; ~~and~~

27 (VIII) SECTION 25.5-4-306;



1 (IX) ARTICLE 4 OF TITLE 8, SUBJECT TO SECTION 24-31-1203 (2);

2 AND

3 ==

4 (X) THE "COLORADO EMPLOYMENT SECURITY ACT", ARTICLES 70  
5 TO 82 OF TITLE 8, SUBJECT TO SECTION 24-31-1203 (1).

6 **SECTION 14.** In Colorado Revised Statutes, 24-31-102, **amend**  
7 (1)(h) and (1)(i); and **add** (1)(j) as follows:

8 **24-31-102. Offices, boards, and divisions.** (1) The department  
9 of law, the chief executive officer of which is the attorney general,  
10 includes the following:

11 (h) The financial empowerment office, created in part 11 of this  
12 article 31; and

13 ~~(i) Notwithstanding section 24-1-107, any other division, office,~~  
14 ~~or unit established by the attorney general or by law.~~ THE WORKER AND  
15 EMPLOYEE PROTECTION UNIT, CREATED IN PART 12 OF THIS ARTICLE 31;

16 AND

17 (j) NOTWITHSTANDING SECTION 24-1-107, ANY OTHER DIVISION,  
18 OFFICE, OR UNIT ESTABLISHED BY THE ATTORNEY GENERAL OR BY LAW.

19 **SECTION 15.** In Colorado Revised Statutes, **add** part 12 to  
20 article 31 of title 24 as follows:

21 PART 12

22 ENFORCEMENT OF WORKER PROTECTION LAWS

23 **24-31-1201. Definitions.** AS USED IN THIS PART 12, UNLESS THE  
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "DIVISION OF LABOR STANDARDS AND STATISTICS" MEANS THE  
26 DIVISION OF LABOR STANDARDS AND STATISTICS IN THE DEPARTMENT OF  
27 LABOR AND EMPLOYMENT CREATED PURSUANT TO SECTION 8-1-103.

1           (2) "DIVISION OF UNEMPLOYMENT INSURANCE" MEANS THE  
2 DIVISION OF UNEMPLOYMENT INSURANCE IN THE DEPARTMENT OF LABOR  
3 AND EMPLOYMENT CREATED PURSUANT TO SECTION 8-71-101.

4           (3) "UNIT" MEANS THE WORKER AND EMPLOYEE PROTECTION UNIT  
5 CREATED IN SECTION 24-31-1202.

6           **24-31-1202. Worker and employee protection unit - creation**  
7 **- duties.** (1) THERE IS CREATED WITHIN THE DEPARTMENT OF LAW AND  
8 UNDER THE CONTROL OF THE OFFICE OF THE ATTORNEY GENERAL THE  
9 WORKER AND EMPLOYEE PROTECTION UNIT.

10           (2) IN ADDITION TO ANY OTHER AUTHORITIES GRANTED BY LAW,  
11 THE UNIT HAS THE FOLLOWING POWERS AND DUTIES:

12           (a) ISSUE OR CAUSE TO BE ISSUED CIVIL INVESTIGATIVE DEMANDS  
13 AND SUBPOENAS OR OTHER PROCESS IN AID OF INVESTIGATIONS AND  
14 PROSECUTIONS;

15           (b) ADMINISTER OATHS AND TAKE SWORN STATEMENTS UNDER  
16 PENALTY OF PERJURY; AND

17           (c) SERVE AND EXECUTE, IN ANY COUNTY, SEARCH WARRANTS  
18 THAT RELATE TO INVESTIGATIONS.

19           **24-31-1203. Worker misclassification - wage determinations**  
20 **- investigation and enforcement by the unit - coordination with**  
21 **department of labor and employment.** (1) (a) THE UNIT MAY  
22 INVESTIGATE ALLEGED VIOLATIONS OF, AND BRING AN ACTION AGAINST  
23 AN EMPLOYER TO ENFORCE, SECTION 8-72-114, REGARDLESS OF WHETHER  
24 A COMPLAINT IS FILED AGAINST THE EMPLOYER PURSUANT TO SAID  
25 SECTION, TO ENFORCE THAT SECTION IF THE DIVISION OF UNEMPLOYMENT  
26 INSURANCE DIRECTLY REFERS A FINDING OF MISCLASSIFICATION TO THE  
27 UNIT TO PURSUE FURTHER REMEDIES.

1           (b) THE UNIT MAY INVESTIGATE AND ENFORCE AN ALLEGED  
2 MISCLASSIFICATION THAT IS NOT DESCRIBED IN SUBSECTION (1)(a) OF THIS  
3 SECTION IF THE UNIT PROVIDES WRITTEN NOTICE TO THE DIVISION OF  
4 UNEMPLOYMENT INSURANCE OF THE UNIT'S INTENT TO PURSUE A  
5 MISCLASSIFICATION INVESTIGATION AND THE DIVISION OF UNEMPLOYMENT  
6 INSURANCE:

7           (I) DECLINES TO INVESTIGATE THE MATTER;

8           (II) HAS INVESTIGATED THE MATTER AND MADE A FORMAL  
9 DETERMINATION; OR

10           (III) FAILS TO RESPOND TO THE UNIT WITHIN THIRTY DAYS AFTER  
11 THE DATE OF THE NOTICE.

12           (2) (a) THE UNIT MAY ENFORCE WAGE DETERMINATIONS MADE BY  
13 THE DIVISION OF LABOR STANDARDS AND STATISTICS PURSUANT TO  
14 ARTICLE 4 OF TITLE 8 IF THE DIVISION OF LABOR STANDARDS AND  
15 STATISTICS REFERS THE WAGE DETERMINATION TO THE UNIT FOR  
16 ENFORCEMENT.

17           (b) IF THE DIVISION OF LABOR STANDARDS AND STATISTICS HAS  
18 NOT REFERRED A WAGE DETERMINATION TO THE UNIT, THE UNIT MAY  
19 ENFORCE THE WAGE DETERMINATION IF THE UNIT PROVIDES WRITTEN  
20 NOTICE TO THE DIVISION OF LABOR STANDARDS AND STATISTICS OF THE  
21 UNIT'S INTENT TO ENFORCE THE WAGE DETERMINATION AND THE DIVISION  
22 OF LABOR STANDARDS AND STATISTICS:

23           (I) DECLINES TO PURSUE ENFORCEMENT OF THE WAGE  
24 DETERMINATION;

25           (II) HAS ATTEMPTED TO PURSUE ENFORCEMENT OF THE WAGE  
26 DETERMINATION AND HAS BEEN UNSUCCESSFUL IN ENFORCING THE  
27 DETERMINATION IN FULL AFTER THE LATER OF TWELVE MONTHS AFTER

1 THE DETERMINATION OR THE CONCLUSION OF ANY APPEALS; OR  
2 (III) FAILS TO RESPOND TO THE UNIT WITHIN THIRTY DAYS AFTER  
3 THE DATE OF THE NOTICE; OR  
4 (IV) HAS NOT INITIATED AN INVESTIGATION.

5  
6 **SECTION 16. Act subject to petition - effective date. Section**  
7 **6 of this act takes effect January 1, 2023, and the remainder of this act**  
8 **takes effect at 12:01 a.m. on the day following the expiration of the**  
9 **ninety-day period after final adjournment of the general assembly; except**  
10 **that, if a referendum petition is filed pursuant to section 1 (3) of article V**  
11 **of the state constitution against this act or an item, section, or part of this**  
12 **act within such period, then the act, item, section, or part will not take**  
13 **effect unless approved by the people at the general election to be held in**  
14 **November 2022 and, in such case, will take effect on the date of the**  
15 **official declaration of the vote thereon by the governor; except that**  
16 **section 6 of this act takes effect on January 1, 2023.**