

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0585.01 Jerry Barry x4341

HOUSE BILL 24-1274

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HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE "UNIFORM CONSUMER DEBT DEFAULT JUDGMENTS  
102 ACT".

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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/>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Uniform Consumer Debt Default Judgments Act" (act), drafted by the uniform law commission.

The act requires that for a default judgment to be entered on a claim for a consumer debt, certain information must be contained in the complaint or amended complaint, including language notifying the debtor

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

of the debtor's rights and obligations.

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

2             **SECTION 1.** In Colorado Revised Statutes, **add** article 66 to title  
3     13 as follows:

4                                     **ARTICLE 66**

5                     **Uniform Consumer Debt Default Judgments Act**

6             **13-66-101. Short title.** THIS ARTICLE 66 MAY BE CITED AS THE  
7     "UNIFORM CONSUMER DEBT DEFAULT JUDGMENTS ACT".

8             **13-66-102. Definitions.** IN THIS ARTICLE 66:

9             (1) "CHARGE OFF" MEANS A CREDITOR'S REMOVAL OF A CONSUMER  
10     DEBT AS AN ASSET FROM THE CREDITOR'S FINANCIAL RECORDS.

11            (2) "CONSUMER" MEANS AN INDIVIDUAL NAMED AS A DEFENDANT  
12     IN AN ACTION FOR COLLECTION OF A CONSUMER DEBT TO WHICH THIS  
13     ARTICLE 66 APPLIES.

14            (3) "CONSUMER DEBT" MEANS AN OBLIGATION OR ALLEGED  
15     OBLIGATION OF AN INDIVIDUAL TO PAY MONEY THAT ARISES OUT OF A  
16     TRANSACTION IN WHICH THE MONEY, PROPERTY, INSURANCE, OR SERVICE  
17     THAT IS THE SUBJECT OF THE TRANSACTION IS PRIMARILY FOR A PERSONAL,  
18     FAMILY, OR HOUSEHOLD PURPOSE.

19            (4) "CREDITOR" MEANS A PERSON TO WHICH A CONSUMER DEBT IS  
20     OWED AT THE TIME OF CHARGE OFF OR, IF THE DEBT WAS NOT CHARGED  
21     OFF, AT THE TIME OF DEFAULT.

22            (5) "DEFAULT", EXCEPT IN THE TERM "DEFAULT JUDGMENT",  
23     MEANS A FAILURE TO SATISFY A CONSUMER DEBT THAT GIVES RISE TO AN  
24     ACTION TO WHICH THIS ARTICLE 66 APPLIES.

25            (6) "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING

1 ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL,  
2 ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

3 (7) "FINANCE CHARGE" HAS THE SAME MEANING AS SET FORTH IN  
4 SECTION 106 OF THE FEDERAL "TRUTH IN LENDING ACT", 15 U.S.C. SEC.  
5 1605, AS AMENDED.

6 (8) "OUTSTANDING BALANCE" MEANS THE AMOUNT OWED ON A  
7 CONSUMER DEBT:

8 (a) AT THE TIME OF CHARGE OFF OR, IF THE DEBT WAS NOT  
9 CHARGED OFF, AT THE TIME OF DEFAULT; OR

10 (b) AFTER DISPOSITION OF PROPERTY THAT SECURED THE DEBT.

11 (9) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR  
12 NONPROFIT ENTITY, GOVERNMENT OR GOVERNMENTAL SUBDIVISION,  
13 AGENCY, OR INSTRUMENTALITY, OR OTHER LEGAL ENTITY.

14 (10) "RECORD" MEANS INFORMATION:

15 (a) INSCRIBED ON A TANGIBLE MEDIUM; OR

16 (b) STORED IN AN ELECTRONIC OR OTHER MEDIUM AND  
17 RETRIEVABLE IN PERCEIVABLE FORM.

18 (11) "SECURED CONSUMER DEBT" MEANS A CONSUMER DEBT  
19 SECURED BY REAL OR PERSONAL PROPERTY.

20 (12) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
21 ADOPT A RECORD:

22 (a) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

23 (b) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN  
24 ELECTRONIC SYMBOL, SOUND, OR PROCESS.

25 (13) "UNSECURED CONSUMER DEBT" MEANS A CONSUMER DEBT  
26 NOT SECURED BY REAL OR PERSONAL PROPERTY.

27 **13-66-103. Scope.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)

1 OF THIS SECTION, THIS ARTICLE 66 APPLIES TO THE AWARD OF A DEFAULT  
2 JUDGMENT IN AN ACTION FOR COLLECTION OF:

- 3 (a) AN UNSECURED CONSUMER DEBT;
- 4 (b) A SECURED CONSUMER DEBT IF THE ACTION IS BROUGHT  
5 SOLELY TO OBTAIN A MONEY JUDGMENT; OR
- 6 (c) A DEFICIENCY THAT REMAINS AFTER DISPOSITION OF PROPERTY  
7 THAT SECURED A CONSUMER DEBT.

8 (2) THIS ARTICLE 66 DOES NOT APPLY TO:

9 (a) AN ACTION TO TAKE POSSESSION OF OR DISPOSE OF REAL OR  
10 PERSONAL PROPERTY, EVEN IF THE ACTION INCLUDES A REQUEST FOR A  
11 MONEY JUDGMENT; OR

12 (b) AN ACTION TO COLLECT A DEBT OWED TO A GOVERNMENT,  
13 GOVERNMENTAL SUBDIVISION, OR AGENCY IN WHICH THE GOVERNMENT,  
14 GOVERNMENTAL SUBDIVISION, OR AGENCY IS THE PLAINTIFF.

15 **13-66-104. Complaint requirements.** (1) A DEFAULT JUDGMENT  
16 IN AN ACTION TO WHICH THIS ARTICLE 66 APPLIES MAY BE ENTERED ONLY  
17 IF THE COMPLAINT OR AMENDED COMPLAINT COMPLIES WITH THIS SECTION  
18 AND INCLUDES THE NOTICE REQUIRED UNDER SECTION 13-66-105.

19 (2) THE COMPLAINT OR AMENDED COMPLAINT MUST STATE:

20 (a) EACH NAME AND ADDRESS OF THE CONSUMER IN THE RECORDS  
21 OF THE CREDITOR AT THE TIME OF CHARGE OFF OR, IF THE CONSUMER DEBT  
22 WAS NOT CHARGED OFF, AT THE TIME OF DEFAULT;

23 (b) THE NAME OF THE CREDITOR, INCLUDING ANY MERCHANT  
24 BRAND, AFFINITY BRAND, OR FACILITY NAME ASSOCIATED WITH THE DEBT;

25 (c) AT LEAST THE LAST FOUR DIGITS OF THE ACCOUNT NUMBER OR  
26 OTHER ACCOUNT IDENTIFIER USED IN COMMUNICATING WITH THE  
27 CONSUMER BEFORE CHARGE OFF OR, IF THE DEBT WAS NOT CHARGED OFF,

1 BEFORE DEFAULT;

2 (d) THE DATE AND AMOUNT OF THE LAST PAYMENT;

3 (e) THE DATE OF CHARGE OFF OR, IF THE DEBT WAS NOT CHARGED

4 OFF, THE DATE OF DEFAULT;

5 (f) THE AMOUNT OF THE OUTSTANDING BALANCE;

6 (g) THE AMOUNT OF THE JUDGMENT THE PLAINTIFF SEEKS,

7 ITEMIZING THE OUTSTANDING BALANCE AND THE FOLLOWING AMOUNTS

8 NOT INCLUDED IN THE OUTSTANDING BALANCE:

9 (I) TOTAL FINANCE CHARGES;

10 (II) TOTAL FEES OR COSTS;

11 (III) TOTAL ATTORNEY'S FEES; AND

12 (IV) TOTAL CREDITS AND PAYMENTS;

13 (h) A STATEMENT WHETHER THE AMOUNT OF THE JUDGMENT MAY

14 INCREASE DUE TO ACCRUED INTEREST, FEES, OR OTHER CHARGES;

15 (i) THE AUTHORITY OF THE PLAINTIFF TO COMMENCE THE ACTION;

16 (j) FACTS SUFFICIENT TO DEMONSTRATE THAT THE ACTION IS

17 BEING COMMENCED IN A PROPER VENUE;

18 (k) FACTS SUFFICIENT TO DEMONSTRATE THAT THE ACTION IS

19 BEING COMMENCED WITHIN THE STATUTE OF LIMITATION PERIOD

20 APPLICABLE TO THE DEBT;

21 (l) UNLESS THE PLAINTIFF IS THE CREDITOR:

22 (I) THE NAME OF EACH PERSON THAT ACQUIRED OWNERSHIP OF

23 THE DEBT AFTER CHARGE OFF OR, IF THE DEBT WAS NOT CHARGED OFF,

24 AFTER DEFAULT; AND

25 (II) THE DATE OF EACH ACQUISITION; AND

26 (m) INFORMATION SUFFICIENT TO DEMONSTRATE THAT THE

27 PLAINTIFF POSSESSES A VALID LICENSE IF REQUIRED PURSUANT TO ARTICLE

1 16 OF TITLE 5.

2 (3) SUBJECT TO AUTHENTICATION REQUIRED BY OTHER LAW OF  
3 THIS STATE AND RULES OF PROCEDURE, THE PLAINTIFF MUST ATTACH TO  
4 THE COMPLAINT OR AMENDED COMPLAINT:

5 (a) AT LEAST ONE OF THE FOLLOWING THAT IS SUFFICIENT TO  
6 DEMONSTRATE THE EXISTENCE OF THE CONSUMER DEBT:

7 (I) AN AGREEMENT SIGNED BY THE CONSUMER;

8 (II) A RECORD OF A PURCHASE, PAYMENT, OR USE OF AN ACCOUNT;

9 OR

10 (III) A RECORD OTHERWISE DEMONSTRATING THE DEBT WAS  
11 INCURRED; AND

12 (b) IF THE PLAINTIFF IS NOT THE CREDITOR, DOCUMENTATION  
13 SUFFICIENT TO DEMONSTRATE THE AUTHORITY OF THE PLAINTIFF TO  
14 COLLECT THE DEBT.

15 **13-66-105. Consumer notice.** (1) A DEFAULT JUDGMENT MAY BE  
16 ENTERED IN AN ACTION TO WHICH THIS ARTICLE 66 APPLIES ONLY IF THE  
17 COMPLAINT OR AMENDED COMPLAINT SERVED ON THE CONSUMER IS  
18 ACCOMPANIED BY A SEPARATE NOTICE WARNING THAT A DEFAULT  
19 JUDGMENT MAY BE AWARDED AGAINST THE CONSUMER.

20 (2) THE NOTICE MUST BE IN A RECORD SUBSTANTIALLY SIMILAR TO  
21 THE FORM IN SUBSECTION (3) OF THIS SECTION THAT STATES:

22 (a) IF THE CONSUMER DOES NOT FILE AN ANSWER TO THE  
23 COMPLAINT OR AMENDED COMPLAINT WITHIN THE TIME AND IN THE  
24 MANNER INDICATED IN THE SUMMONS OR APPEAR FOR THE HEARING  
25 REFERRED TO IN THE SUMMONS, A DEFAULT JUDGMENT MAY BE ENTERED  
26 AGAINST THE CONSUMER;

27 (b) IF A JUDGMENT IS ENTERED AGAINST THE CONSUMER, THE

1 AMOUNT OF THE JUDGMENT, PLUS INTEREST ON THE JUDGMENT AS  
2 PROVIDED BY OTHER LAW OF THIS STATE, REMAINS IN EFFECT FOR AT  
3 LEAST TWENTY YEARS, EVEN IF THE JUDGMENT NO LONGER REMAINS ON  
4 THE CONSUMER'S CREDIT REPORT;

5 (c) AFTER ENTRY OF A JUDGMENT, THE PLAINTIFF MAY INITIATE AN  
6 ACTION TO SELL REAL ESTATE OWNED BY THE CONSUMER, SELL PERSONAL  
7 PROPERTY OWNED BY THE CONSUMER, ATTACH THE CONSUMER'S BANK  
8 ACCOUNTS, OR GARNISH THE CONSUMER'S WAGES;

9 (d) ENTRY OF A JUDGMENT MAY IMPAIR ACCESS TO EMPLOYMENT,  
10 INSURANCE, CREDIT, OR HOUSING;

11 (e) AN ATTORNEY MAY PROVIDE ASSISTANCE IN UNDERSTANDING  
12 THE COMPLAINT OR AMENDED COMPLAINT AND ADVICE ABOUT WHAT  
13 ACTION TO TAKE IN RESPONSE TO THE COMPLAINT OR AMENDED  
14 COMPLAINT; AND

15 (f) (I) THE NAME AND CONTACT INFORMATION FOR A LEGAL AID OR  
16 ATTORNEY REFERRAL SERVICE THAT MAY BE ABLE TO HELP THE  
17 CONSUMER FIND AN ATTORNEY, AND IF THE CONSUMER CANNOT AFFORD  
18 AN ATTORNEY, MAY BE ABLE TO PROVIDE FREE OR REDUCED-COST LEGAL  
19 SERVICES.

20 (II) THE ATTORNEY GENERAL SHALL IDENTIFY ONE OR MORE  
21 LEGAL AID OR ATTORNEY REFERRAL SERVICE, INCLUDING  
22 STOPFRAUDCOLORADO.GOV, WHOSE NAME AND CONTACT INFORMATION  
23 MUST BE INCLUDED IN THE NOTICE PURSUANT TO THIS SECTION.

24 (3) THE FOLLOWING NOTICE MEETS THE REQUIREMENTS OF THIS  
25 SECTION:

26 **CONSUMER NOTICE**

27 **WARNING**

1 **IF YOU DO NOT ACT, A DEFAULT JUDGMENT**  
2 **MAY BE ENTERED AGAINST YOU**  
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4 1. WHY AM I YOU ARE GETTING THIS NOTICE  
5 GETTING THIS BECAUSE (NAME OF PLAINTIFF)  
6 NOTICE? SAYS YOU OWE MONEY.  
7 (NAME OR SHORTENED NAME  
8 OF PLAINTIFF) HAS FILED  
9 A LAWSUIT AGAINST YOU TO  
10 COLLECT THE MONEY.

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12 2. WHAT WILL HAPPEN IF YOU DO NOT FILE A RESPONSE  
13 IF I DO NOTHING? TO THE LAWSUIT OR APPEAR AT  
14 A HEARING ON (ENTER DATE) AT  
15 (TIME), A JUDGMENT MAY BE  
16 ENTERED AGAINST YOU.

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18 3. WHAT HAPPENS IF YOUR PERSONAL PROPERTY  
19 A JUDGMENT MAY BE TAKEN AND SOLD.  
20 IS ENTERED AGAINST MONEY MAY BE TAKEN  
21 ME? DIRECTLY FROM YOUR BANK  
22 ACCOUNT. MONEY MAY BE  
23 TAKEN DIRECTLY FROM YOUR  
24 WAGES. A LIEN MAY BE PUT ON



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YOUR HOUSE OR OTHER REAL  
ESTATE, AND THE HOUSE OR  
REAL ESTATE MAY BE SOLD.

IF THE JUDGMENT IS NOT PAID  
IN FULL, THE AMOUNT DUE  
MAY GROW BECAUSE OF  
INTEREST CHARGES.

YOU WILL OWE THE AMOUNT  
OF THE JUDGMENT FOR AT  
LEAST TWENTY YEARS, EVEN IF  
IT NO LONGER APPEARS ON  
YOUR CREDIT REPORT.

THE JUDGMENT MAY MAKE IT  
HARDER FOR YOU TO GET A JOB  
OR INSURANCE AND MORE  
EXPENSIVE FOR YOU TO GET A  
LOAN OR CREDIT CARD, RENT  
AN APARTMENT, OR BUY A  
HOUSE OR CAR.



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4. IS HELP AVAILABLE?

TALK WITH A LAWYER. A  
LAWYER CAN EXPLAIN THE  
SITUATION AND HELP YOU

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DECIDE WHAT TO DO. THE FOLLOWING OFFICE MAY BE ABLE TO HELP YOU FIND A LAWYER : STOPFRAUDCOLORADO.GOV OR (INSERT NAME AND CONTACT INFORMATION FOR LEGAL AID OR LAWYER REFERRAL SERVICE IDENTIFIED BY THE ATTORNEY GENERAL PURSUANT TO SECTION 13-16-105 (2)(f)(II), COLORADO REVISED STATUTES, THAT MAY BE ABLE TO HELP DEFENDANT FIND A LAWYER). IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ABLE TO OBTAIN ONE FOR FREE OR REDUCED COST.

**13-66-106. Waiver void.** A WAIVER BY A CONSUMER OF A REQUIREMENT OF THIS ARTICLE 66 IS VOID. THIS SECTION DOES NOT PREVENT A VOLUNTARY SETTLEMENT AGREEMENT OR JUDGMENT BETWEEN THE PARTIES THAT DOES NOT RESULT IN A DEFAULT JUDGMENT.

**13-66-107. Relation to other law.** THIS ARTICLE 66 SUPPLEMENTS RIGHTS AND REMEDIES AVAILABLE TO A CONSUMER UNDER OTHER LAW OF THIS STATE.

**13-66-108. Uniformity of application and construction.** IN

1 APPLYING AND CONSTRUING THIS UNIFORM ACT, A COURT SHALL CONSIDER  
2 THE PROMOTION OF UNIFORMITY OF THE LAW AMONG JURISDICTIONS THAT  
3 ENACT IT.

4 **13-66-109. Relation to federal "Electronic Signatures in**  
5 **Global and National Commerce Act".** THIS ARTICLE 66 MODIFIES,  
6 LIMITS, OR SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN  
7 GLOBAL AND NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ.,  
8 AS AMENDED, BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE 15 U.S.C. SEC.  
9 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES  
10 DESCRIBED IN 15 U.S.C. SEC. 7003 (b).

11 **13-66-110. Transitional provision.** THIS ARTICLE 66 APPLIES TO  
12 AN ACTION COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS  
13 ARTICLE 66.

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect November 1, 2024; except that, if a referendum petition is  
16 filed pursuant to section 1 (3) of article V of the state constitution against  
17 this act or an item, section, or part of this act within the ninety-day period  
18 after final adjournment of the general assembly, then the act, item,  
19 section, or part will not take effect unless approved by the people at the  
20 general election to be held in November 2024 and, in such case, will take  
21 effect on the date of the official declaration of the vote thereon by the  
22 governor.