

## CHAPTER 156

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**PROFESSIONS AND OCCUPATIONS**

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**SENATE BILL 93-71**

BY SENATORS Lacy, Gallagher, L. Powers, and Roberts;  
also REPRESENTATIVES June, Coffman, DeGette, and Salaz.

**AN ACT**

**CONCERNING CONTRACTUAL AGREEMENTS INVOLVING WHOLESALE SALES REPRESENTATIVES.**

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

**SECTION 1.** Title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 66**  
**Wholesale Sales Representatives**

**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.

**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 SHALL BE DEEMED TO BE DOING BUSINESS IN COLORADO FOR PURPOSES OF PERSONAL JURISDICTION.

**12-66-103. Damages.** (1) A DISTRIBUTOR, JOBBER, OR MANUFACTURER WHO KNOWINGLY FAILS TO PAY COMMISSIONS AS PROVIDED IN ANY WRITTEN CONTRACT

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

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.

**12-66-104. Liquor licensees excepted.** THIS ARTICLE SHALL NOT APPLY TO ANY PERSON LICENSED UNDER ARTICLE 46 OR 47 OF THIS TITLE.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 1993