

CHAPTER 75

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 94-1087

BY REPRESENTATIVES Kaufman, Anderson, and Reeves;
also SENATOR Pastore.**AN ACT**

CONCERNING VIOLATIONS OF THE "PRIVATE OCCUPATIONAL EDUCATION ACT OF 1981".

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 12-59-115 (6), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-59-115. Bonds. (6) (a) ~~Any~~ A student, ~~or~~ enrollee, or ~~his~~ parent or guardian OF THE STUDENT OR ENROLLEE claiming loss of tuition or ~~any~~ fees ~~as a result of any~~ MAY FILE A CLAIM WITH THE DIVISION IF THE CLAIM RESULTS FROM AN act or practice ~~which is a violation of any~~ THAT VIOLATES A minimum standard or criterion established pursuant to section 12-59-106. ~~shall file a notarized claim with the division.~~ SUCH CLAIMS THAT ARE FILED WITH THE DIVISION SHALL CONSTITUTE PUBLIC RECORDS AND ARE SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT NO SUCH CLAIMS RECORDS SHALL BE MADE PUBLIC IF SUCH RELEASE WOULD VIOLATE ANY FEDERAL PRIVACY LAW.

(b) ~~In no event, however, shall~~ NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), the division SHALL NOT consider any ~~such~~ claim THAT IS filed ~~one hundred eighty days~~ MORE THAN TWO YEARS after the date the student ~~discontinued~~ DISCONTINUES his OR HER training at ~~said~~ THE school.

SECTION 2. 12-59-118, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-59-118. Complaints of deceptive trade or sales practices. (1) ~~Any~~ A person claiming loss of tuition or fees as a result of a deceptive trade or sales practice, ~~as set forth in~~ PURSUANT TO section 12-59-117, by a school or agent may file with the division a ~~notarized~~ written complaint against ~~such~~ THE school or ~~such~~

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

agent. The complaint shall set forth the alleged violation and ~~shall contain such other~~ RELEVANT information as may be required by the division. ~~Any~~ A complaint filed under this section ~~shall~~ IS A PUBLIC RECORD SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S., AND SHALL be filed within ~~one hundred eighty days~~ TWO YEARS after the student ~~discontinued~~ DISCONTINUES his OR HER training at ~~such~~ THE school or at any time prior to the commencement of ~~such~~ training.

(2) The division shall investigate any such complaint and thereafter may consider such complaint at a hearing. If, upon all the evidence at a hearing, the division finds that a school or agent has engaged in or is engaging in any deceptive trade or sales practice, the division may issue and cause to be served upon such school, such agent, or the designated agent for service of process, notice, or demand an order requiring such school or agent to cease and desist from such practice. The division may obtain an order for enforcement of its order in the district court pursuant to section 24-4-106, C.R.S.

(3) If the division finds that the complainant or class of complainants has suffered loss of tuition or fees as a result of such practice, the division, at its discretion, may award the complainant or class of complainants full restitution for such loss. The division may also commence a civil action against a school or agent believed by the division to have caused a complainant or class of complainants to suffer a loss of tuition or fees as a result of any deceptive trade or sales practice. Upon a finding that such complainant or class of complainants has suffered a loss of tuition or fees as a result of any deceptive trade or sales practice, the court shall order the school or agent to pay to the complainant or class of complainants full restitution for such loss.

SECTION 3. 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: March 31, 1994