

## CHAPTER 50

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**COURTS**

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**HOUSE BILL 98-1168**

BY REPRESENTATIVES Arrington, Agler, Kreutz, Mace, Nichol, Paschall, Salaz, Tucker, and Tupa;  
also SENATORS Coffman, Arnold, and Lamborn.

**AN ACT**

CONCERNING LIMITATIONS ON THE USE OF SOCIAL SECURITY ACCOUNT NUMBERS.

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

**SECTION 1.** Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-21-109.5. Recovery of damages for fraudulent use of social security numbers.** (1) NO PERSON SHALL BUY OR OTHERWISE OBTAIN OR SELL, OFFER FOR SALE, TAKE OR GIVE IN EXCHANGE, PLEDGE OR GIVE IN PLEDGE, OR USE ANY INDIVIDUAL'S SOCIAL SECURITY ACCOUNT NUMBER, OR ANY DERIVATIVE OF SUCH NUMBER, FOR THE PURPOSE OF COMMITTING FRAUD OR FRAUDULENTLY USING OR ASSUMING SAID INDIVIDUAL'S IDENTITY.

(2) ANY INDIVIDUAL AGGRIEVED BY THE ACT OF ANY PERSON IN VIOLATION OF SUBSECTION (1) OF THIS SECTION MAY BRING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION TO RECOVER:

(a) SUCH PRELIMINARY AND EQUITABLE RELIEF AS THE COURT DETERMINES TO BE APPROPRIATE; AND

(b) THE GREATER OF:

(I) ACTUAL DAMAGES; OR

(II) LIQUIDATED DAMAGES OF UP TO TEN THOUSAND DOLLARS.

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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.*

(3) IN ADDITION TO ANY DAMAGES AND OTHER RELIEF AWARDED PURSUANT TO SUBSECTION (2) OF THIS SECTION, IF THE AGGRIEVED INDIVIDUAL PREVAILS, THE COURT MAY ASSESS AGAINST THE DEFENDANT REASONABLE ATTORNEY FEES AND ANY OTHER LITIGATION COSTS AND EXPENSES, INCLUDING EXPERT FEES, REASONABLY INCURRED BY THE AGGRIEVED INDIVIDUAL.

(4) ANY ACTION BROUGHT PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO, AND NOT IN LIEU OF, ANY CRIMINAL PROSECUTION THAT MAY BE BROUGHT UNDER ANY STATE OR FEDERAL LAW.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to causes of action accruing on or after the applicable effective date of this act.

Approved: March 27, 1998