

CHAPTER 142

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 06-1356

BY REPRESENTATIVE(S) Judd;
also SENATOR(S) Owen.

AN ACT

CONCERNING THE EXEMPTION OF CERTAIN LICENSED PROFESSIONALS FROM THE REQUIREMENT TO OBTAIN A SUPERVISED LENDER LICENSE IN ORDER TO TAKE ASSIGNMENT OF SUPERVISED LOANS IN DEFAULT, AND, IN CONNECTION THEREWITH, SPECIFICALLY EXEMPTING COLORADO-LICENSED COLLECTION AGENCIES AND ATTORNEYS FROM SUPERVISED LENDER LICENSING WHEN TAKING ASSIGNMENT OF SUPERVISED LOANS IN DEFAULT.

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

SECTION 1. 5-2-301 (1) (b), Colorado Revised Statutes, is amended to read:

5-2-301. Authority to make supervised loans. (1) Unless a person is a supervised financial organization or has first obtained a license from the administrator authorizing him or her to make supervised loans, he or she shall not engage in the business of:

(b) Taking assignments of and undertaking direct collection of payments from or enforcement of rights against consumers arising from supervised loans; EXCEPT THAT A PERSON WHO IS LICENSED BY THE ADMINISTRATOR AS A COLLECTION AGENCY PURSUANT TO ARTICLE 14 OF TITLE 12, C.R.S., OR IS LICENSED BY THE COLORADO SUPREME COURT TO PRACTICE LAW, AND WHO TAKES ASSIGNMENT OF SUPERVISED LOANS ONLY AFTER SUCH LOANS ARE IN DEFAULT, IS NOT REQUIRED TO OBTAIN A SUPERVISED LENDER LICENSE TO ENGAGE IN THE ACTIVITIES DESCRIBED IN THIS PARAGRAPH (b).

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 18, 2006

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