

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB25-1001 be amended as follows:

1 Amend printed bill, page 5, line 2, strike "(2);" and substitute "(1)(a)(II)
2 and (2) as follows:".

3 Page 5, strike lines 3 through 11 and substitute:

4 **"8-4-110. Disputes - fees.** (1) (a) The court may award the
5 employer reasonable costs and attorney fees incurred in a civil action if,
6 within fourteen days after a written demand letter is sent to or a civil
7 action is served on the employer for unpaid wages or compensation:

8 (II) ~~The employees receiving such tender ultimately fail to recover~~
9 ~~a total sum that is greater than the amount the employer tendered~~ THE
10 EMPLOYEE'S CLAIM OR ACTION LACKS SUBSTANTIAL JUSTIFICATION. A
11 COURT SHALL NOT AWARD ATTORNEY FEES TO THE EMPLOYER IF THE
12 CLAIM OR ACTION WAS BASED ON A GOOD FAITH PRESENTATION OF AN
13 ARGUABLY MERITORIOUS LEGAL THEORY ON WHICH THERE WAS NO
14 CONTRARY DETERMINATIVE COLORADO AUTHORITY."

15 Page 6, strike lines 19 and 20 and substitute "WHETHER THE VIOLATION
16 WAS WILLFUL; THE NAMES OF ALL EMPLOYERS IN VIOLATION; AND, IF
17 KNOWN BY THE DIVISION, THE INDUSTRY IN WHICH THE EMPLOYEES WERE
18 EMPLOYED;".

19 Page 6, line 22, strike "FINDING" and substitute "FINDING, AND FOR WHICH
20 THE TIME FOR FURTHER APPEAL HAS EXPIRED,".

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