

# Please Support HB 1154

## Protect Consumer Solicit Public Record Copy for Fee

Sponsored by Representatives Hooton and Van Winkle

### *Why is the bill necessary?*

This bill is simply including a new addition to the Colorado Consumer Protection Act to safeguard citizens.

The County Clerk and Recorders and District Attorneys have received questions and complaints from constituents that are receiving deceptive mailings regarding their deeds.

The letters have in big bold letters at the top "Local Records Office" or "Deed Processing Notice" and list a "Compliance Response Date" leading to confusion among property owners and a belief that they are required to comply with the letter.

In one example, the solicitation asks for a fee of \$83 to receive a copy of a record that can be obtained in the Clerks office for \$1.50.

Several other states have passed similar legislation. This bill was modeled after Wisconsin's

### *The bill does three simple things:*

- 1) Fifteen days before distributing a solicitation, a company or individual who solicits a fee for providing a copy of a record will provide a copy of that solicitation to the County Clerk and Recorder.
- 2) The company or individual cannot charge more than four times the amount that is charged by the state or local government for the same record.
- 3) The company or individual cannot make the document appear to have been issued by a state or local government and must include certain disclosures on the solicitation:
  - State that the solicitation is not from a state or local government and that there is no action required by the citizen.
  - Provide the cost of obtaining the record from the state or local government and contact information.
  - Provide the contact information for the company or individual soliciting the fee.

Additionally, the bill allows that the attorney general and the appropriate district attorney may bring an action for a violation. The court may order a refund and a penalty for a first violation of not more than \$100 for each solicitation document distributed in violation of the bill and not more than \$200 for each solicitation document for subsequent violations.

*For questions – please contact the Colorado County Clerks Association at Mike Beasley  
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