

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0815.01 Jacob Baus x2173

SENATE BILL 19-237

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING AMENDING THE "COLORADO CONSUMER PROTECTION**
102 **ACT" TO CLARIFY THE DAMAGES FOR WHICH PLAINTIFFS ARE**
103 **ELIGIBLE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the "Colorado Consumer Protection Act" (act) to clarify that a plaintiff in an individual action may be awarded damages equal to the sum of \$500 per violation.

The bill also amends the act to clarify that, under the act, a class action may be brought and damages may be awarded to the class.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-113, **amend** (2)

3 introductory portion, (2)(a)(II), and (2.3); and **add** (2)(c) as follows:

4 **6-1-113. Damages - definition.** (2) Except in a class action or a
5 case brought for a violation of section 6-1-709, any person who, in a
6 private civil action, is found to have engaged in or caused another to
7 engage in any deceptive trade practice listed in this ~~article shall be~~
8 ARTICLE 1 IS liable in an amount equal to the sum of:

9 (a) The greater of:

10 (II) Five hundred dollars PER VIOLATION; or

11 (c) AS USED IN THIS SUBSECTION (2), "BAD FAITH CONDUCT"
12 MEANS FRAUDULENT, WILLFUL, KNOWING, OR INTENTIONAL CONDUCT
13 THAT CAUSES INJURY.

14 (2.3) ~~As used in subsection (2) of this section, "bad faith conduct"~~
15 ~~means fraudulent, willful, knowing, or intentional conduct that causes~~
16 ~~injury~~ NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, IN AN ACTION
17 THAT IS CERTIFIED AS A CLASS ACTION, ANY PERSON WHO, IN A PRIVATE
18 CIVIL ACTION, IS FOUND TO HAVE ENGAGED IN OR CAUSED ANOTHER TO
19 ENGAGE IN ANY DECEPTIVE TRADE PRACTICE LISTED IN THIS ARTICLE 1 IS
20 LIABLE TO THE CLASS IN AN AMOUNT EQUAL TO THE SUM OF:

21 (a) THE AMOUNT OF ACTUAL DAMAGES SUSTAINED BY THE CLASS;

22 PLUS

23 (b) IN THE CASE OF ANY SUCCESSFUL ACTION TO ENFORCE THE
24 LIABILITY, THE COSTS OF THE ACTION TOGETHER WITH REASONABLE
25 ATTORNEY FEES AS DETERMINED BY THE COURT; PLUS

26 (c) IN THE CASE OF ANY SUCCESSFUL ACTION FOR INJUNCTIVE

1 RELIEF, ANY INJUNCTIVE RELIEF AND DECLARATORY RELIEF THE COURT
2 MAY AWARD, IF IT IS SHOWN THAT THE PARTY OPPOSING THE CLASS HAS
3 ACTED OR REFUSED TO ACT ON GROUNDS GENERALLY APPLICABLE TO THE
4 CLASS.

5 **SECTION 2. Effective date - applicability.** This act takes effect
6 July 1, 2019, and applies to causes of action arising on or after said date.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.