

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0494.01 Richard Sweetman x4333

HOUSE BILL 18-1057

HOUSE SPONSORSHIP

McKean,

SENATE SPONSORSHIP

Coram,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF DEBTS, AND, IN CONNECTION**
102 **THEREWITH, ALLOWING COLLECTION AGENTS TO ADD CERTAIN**
103 **EXPENSES TO AMOUNTS DUE FOR COLLECTION.**

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>.)

HOUSE
Amended 3rd Reading
May 7, 2018

The bill allows a judgment creditor to file a petition in court to compel the department of labor and employment to disclose certain information about an individual judgment debtor. Judgment creditors must follow federal requirements for protecting any information disclosed and may not share it with other persons. A civil penalty of \$1,000 may be

HOUSE
Amended 2nd Reading
May 4, 2018

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.

assessed against a judgment creditor who fails to comply with these requirements.

The bill creates the judgment debtor disclosure fund in the state treasury. The fund consists of money from fees collected for requests for disclosure of current employer information on individual judgment debtors.

The bill allows a collection agency or privately retained attorney collecting on any debt arising from past-due orders, obligations, fines, or fees due to the state, or to any political subdivision within the state, to add to the amount due that has been placed for collection all fees, costs, and costs of collection, including designated contractual costs and attorney fees, regardless of whether the debt has been reduced to judgment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** section
3 5-16-111.5 as follows:

4 **5-16-111.5. Fees, costs, and costs of collection - limitation.**

5 (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, A PRIVATE
6 COLLECTION AGENCY OR PRIVATELY RETAINED ATTORNEY COLLECTING ON
7 ANY DEBT ARISING FROM PAST-DUE ORDERS, OBLIGATIONS, FINES, OR FEES
8 DUE TO THE STATE, OR DUE TO ANY POLITICAL SUBDIVISION WITHIN THE
9 STATE, MAY ADD TO THE AMOUNT DUE THAT HAS BEEN PLACED FOR
10 COLLECTION ALL FEES, COSTS, AND COSTS OF COLLECTION, INCLUDING
11 DESIGNATED CONTRACTUAL ATTORNEY FEES AND COSTS THAT ARE
12 AWARDED BY A COURT OF COMPETENT JURISDICTION. EXCLUSIVE OF THE
13 ACCRUAL OF INTEREST AND COURT COSTS, ANY FEES, COSTS, AND COSTS
14 OF COLLECTION MAY NOT EXCEED EIGHTEEN PERCENT IN THE AGGREGATE
15 UNLESS ADDITIONAL REASONABLE ATTORNEY FEES ARE AWARDED BY A
16 COURT OF COMPETENT JURISDICTION.

17 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY IF THE
18 STATE OR POLITICAL SUBDIVISION OF THE STATE HAS SOLD THE DEBT TO A
19 THIRD PARTY.

10 **SECTION 2.** In Colorado Revised Statutes, 24-30-202.4, amend
11 (8)(a) as follows:

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect January 1, 2019; except that, if a referendum petition is filed
3 pursuant to section 1 (3) of article V of the state constitution against this
4 act or an item, section, or part of this act within the ninety-day period
5 after final adjournment of the general assembly, then the act, item,
6 section, or part will not take effect unless approved by the people at the
7 general election to be held in November 2018 and, in such case, will take
8 effect on January 1, 2019, or on the date of the official declaration of the
9 vote thereon by the governor, whichever is later.