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In Colorado Revised Statutes, add section 6-4-124 to article 4 of title 6 as follows:

§ 6-4-124—Definitions—pre-dispute arbitration agreement or pre-dispute joint-action waiver void at election of plaintiff

(1)

- (a) “Predispute arbitration agreement” under this section means any agreement to arbitrate a dispute that had not yet arisen at the time of the making of the agreement.
- (b) “Predispute joint-action waiver” under this section means any agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

(2)

- (a) At the election of the person alleging conduct constituting a violation of this article 4, or the named representative of a class or in a collective action alleging such conduct, no predispute arbitration agreement or predispute joint action waiver shall be valid or enforceable with respect to a case which is filed under state law and relates to a violation of this article 4.
- (b) An issue as to whether this subsection (2) applies with respect to a dispute shall be determined under state law. The applicability of this subsection (2) to an agreement to arbitrate and the validity and enforceability of an agreement to which this subsection (2) applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.