

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0259.01 Shelby Ross x4510

**HOUSE BILL 22-1049**

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**HOUSE SPONSORSHIP**

**Bacon and Ricks,**

**SENATE SPONSORSHIP**

**Pettersen,**

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**House Committees**

Education

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PROHIBITING A POSTSECONDARY INSTITUTION FROM**  
102         **MAKING PAYMENT OF AN OUTSTANDING BALANCE ON A**  
103         **STUDENT'S ACCOUNT A CONDITION OF ISSUING THE STUDENT'S**  
104         **DOCUMENTS.**

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**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 prohibits a postsecondary institution from:

- Refusing to provide a transcript or diploma for a current or former student on the grounds that the student owes a debt;

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.*

- Conditioning the provision of a transcript or diploma on the payment of a debt, other than a fee charged to provide the transcript or diploma;
- Charging a higher fee to obtain a transcript or diploma or providing less favorable treatment in response to a transcript or diploma request because a current or former student owes a debt; or
- Using transcript or diploma issuance as a tool for debt collection.

The bill provides a civil right of action to a current or former student whose transcript or diploma is withheld for any of the prohibited reasons and entitles the person to injunctive relief, a civil penalty of up to \$500 for each violation, and reasonable attorney fees and costs.

The bill authorizes the administrator of the "Uniform Consumer Credit Code" to enjoin the practice of withholding a transcript or diploma and assess a postsecondary institution a penalty of \$500 for each violation.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 23-5-113.5 as  
3 follows:

4           **23-5-113.5. Prohibition on withholding transcripts and**  
5           **diplomas - postsecondary institution - remedy - definitions.** (1) As  
6           USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7           (a) "ADMINISTRATOR" MEANS AN ADMINISTRATOR OF THE  
8           "UNIFORM CONSUMER CREDIT CODE" DESIGNATED PURSUANT TO SECTION  
9           5-6-103.

10           (b) "DEBT" MEANS ANY MONEY, OBLIGATION, CLAIM, OR SUM, DUE  
11           OR OWING, OR ALLEGED TO BE DUE OR OWING, FROM A CURRENT OR  
12           FORMER STUDENT, BUT DOES NOT INCLUDE A FEE CHARGED TO A CURRENT  
13           OR FORMER STUDENT FOR THE ACTUAL COST OF PROVIDING A TRANSCRIPT  
14           OR DIPLOMA.

15           (c) "POSTSECONDARY INSTITUTION" MEANS A PUBLIC INSTITUTION  
16           OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-4.5-102 (7), A PRIVATE

1       INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102  
2       (9), OR A PRIVATE OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION  
3       23-2-102 (13).

4               (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
5       CONTRARY, WITH REGARD TO A CURRENT OR FORMER STUDENT WHO OWES  
6       A DEBT, A POSTSECONDARY INSTITUTION SHALL NOT:

7               (a) REFUSE TO PROVIDE A TRANSCRIPT OR DIPLOMA FOR THE  
8       CURRENT OR FORMER STUDENT ON THE GROUNDS THAT THE STUDENT  
9       OWES A DEBT;

10               (b) CONDITION THE PROVISION OF A TRANSCRIPT OR DIPLOMA ON  
11       PAYMENT OF A DEBT, OTHER THAN A FEE NORMALLY CHARGED TO PROVIDE  
12       A TRANSCRIPT OR DIPLOMA;

13               (c) CHARGE A HIGHER FEE TO OBTAIN A TRANSCRIPT OR DIPLOMA  
14       OR PROVIDE LESS FAVORABLE TREATMENT IN RESPONSE TO A TRANSCRIPT  
15       OR DIPLOMA REQUEST BECAUSE THE REQUESTING CURRENT OR FORMER  
16       STUDENT OWES A DEBT; OR

17               (d) OTHERWISE USE TRANSCRIPT OR DIPLOMA ISSUANCE AS A TOOL  
18       FOR DEBT COLLECTION.

19               (3) A CURRENT OR FORMER STUDENT WHO IS DENIED A TRANSCRIPT  
20       OR DIPLOMA IN VIOLATION OF THIS SECTION HAS A PRIVATE RIGHT OF  
21       ACTION AGAINST THE POSTSECONDARY INSTITUTION THAT ALLEGEDLY  
22       COMMITTED THE VIOLATION. IF THE COURT FINDS IN SUCH AN ACTION  
23       THAT THE POSTSECONDARY INSTITUTION VIOLATED THIS SECTION, THE  
24       PLAINTIFF IS ENTITLED TO INJUNCTIVE RELIEF, A CIVIL PENALTY OF UP TO  
25       FIVE HUNDRED DOLLARS FOR EACH VIOLATION, AND REASONABLE  
26       ATTORNEY FEES AND COSTS.

27               (4) THE ADMINISTRATOR MAY TAKE ANY APPROPRIATE ACTION TO

1 ENSURE COMPLIANCE WITH THIS SECTION. AFTER NOTICE AND A HEARING,  
2 THE ADMINISTRATOR MAY ENJOIN THE PRACTICE OF WITHHOLDING A  
3 TRANSCRIPT OR DIPLOMA IN VIOLATION OF THIS SECTION AND MAY ASSESS  
4 A POSTSECONDARY INSTITUTION THAT VIOLATES THE PROVISIONS OF THIS  
5 SECTION A PENALTY OF FIVE HUNDRED DOLLARS FOR EACH VIOLATION.

6 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM PURSUING  
7 ANY OTHER REMEDY PROVIDED BY LAW FOR A VIOLATION OF THIS  
8 SECTION.

9 **SECTION 2.** In Colorado Revised Statutes, 5-6-104, **amend**  
10 (1)(i); and **add** (1)(k) as follows:

11 **5-6-104. Powers of administrator - harmony with federal**  
12 **regulations - reliance on rules.** (1) In addition to other powers granted  
13 by this code, the administrator, within the limitations provided by law,  
14 may:

15 (i) License and regulate collection agencies pursuant to article 16  
16 of this title 5; **and**

17 (k) ENFORCE THE PROVISIONS OF SECTION 23-5-113.5.

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