

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 28, 2022

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB22-157 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 4, after line 4 insert:

2 "(c) THIS SUBSECTION (2) DOES NOT APPLY TO A PERSON REGULATED BY
3 A BOARD OR COMMISSION.

4 (3) IN ADDITION TO THE COSTS AND ATTORNEY FEES THAT THE
5 REGULATED PERSON OR PERSONS COMPLAINED OF ARE ENTITLED TO
6 RECOVER FROM THE COMPLAINANT PURSUANT TO SECTION 6-1-113 (3), IF
7 A COURT DETERMINES THAT THE COMPLAINT IS FRIVOLOUS, GROUNDLESS,
8 AND WAS FILED IN BAD FAITH, OR IF THE REGULATED PERSON OR PERSONS
9 PREVAIL OR SUBSTANTIALLY PREVAIL IN THE MATTER, THE COURT'S ORDER
10 MAY ALSO REQUIRE THE COMPLAINANT TO PAY THE REGULATED PERSON'S
11 OR PERSONS' COSTS INCURRED, ACTUAL DAMAGES SUSTAINED, AND
12 REASONABLE ATTORNEY FEES INCURRED IN RELATION TO:

13 (a) THE DISTRICT ATTORNEY'S OR ATTORNEY GENERAL'S
14 INVESTIGATION OF THE MATTER; AND

15 (b) THE LICENSING AUTHORITY'S INVESTIGATION OF A COMPLAINT
16 AGAINST THE REGULATED PERSON OR PERSONS IF THE COURT DETERMINES
17 THAT THE TWO COMPLAINTS WERE FILED BY THE SAME COMPLAINANT AND
18 IN REGARD TO THE SAME MATTER."

19 Renumber succeeding subsections accordingly.

20 Page 5, line 23, strike "(3)." and substitute "(4)."