

CHAPTER 240

CORPORATIONS AND ASSOCIATIONS

HOUSE BILL 16-1330

BY REPRESENTATIVE(S) Lee, Arndt, Becker K., Fields, Kagan, Kraft-Tharp, Moreno, Priola, Rosenthal, Sias, Williams;
also SENATOR(S) Scheffel and Heath.

AN ACT

**CONCERNING AUTHORITY TO FILE A CORRECTION STATEMENT WITH THE SECRETARY OF STATE IF
A DOCUMENT PREVIOUSLY FILED WAS DELIVERED TO THE SECRETARY OF STATE FOR FILING IN
ERROR.**

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

SECTION 1. In Colorado Revised Statutes, 7-90-305, **amend** (1) (b), (2) (e), and (4) as follows:

7-90-305. Correcting filed document. (1) A person may deliver to the secretary of state, for filing pursuant to this part 3, a statement of correction to:

(b) Revoke a filed document pursuant to section 7-90-304 (3) OR REVOKE A FILED DOCUMENT THAT WAS DELIVERED TO THE SECRETARY OF STATE FOR FILING IN ERROR.

(2) A statement of correction:

(e) ~~Shall~~ **MUST**, if it revokes a filed document, ~~pursuant to section 7-90-304 (3);~~ state that the filed document is revoked EITHER PURSUANT TO SECTION 7-90-304 (3) OR BECAUSE THE FILED DOCUMENT WAS DELIVERED TO THE SECRETARY OF STATE FOR FILING IN ERROR, WHICHEVER IS APPLICABLE.

(4) Except as otherwise provided in this subsection (4), a statement of correction is effective on the effective date of the filed document it corrects OR REVOKES as such date is stated in the records of the secretary of state. As to persons relying on the ~~uncorrected~~ filed document BEFORE IT IS CORRECTED OR REVOKED and adversely affected by the correction OR REVOCATION, a statement of correction is effective when filed. A statement of correction that corrects the effective date of a filed

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

document to an earlier date is effective on such earlier date or on the date the filed document was filed in the records of the secretary of state as such date is stated in the records of the secretary of state, whichever is later. A statement of correction may not state a delayed effective date for the effectiveness of the statement of correction itself.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: June 6, 2016