

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0446.01 Jery Payne x2157

SENATE BILL 22-034

SENATE SPONSORSHIP

Kolker and Priola,

HOUSE SPONSORSHIP

Bird,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO COUNTERACT THE FILING OF FRAUDULENT**
102 **BUSINESS DOCUMENTS WITH THE SECRETARY OF STATE.**

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>.)

Under current law, a business entity submits to the secretary of state for online filing documents that concern the creation, organization, and operations of the entity. By submitting a document, an individual affirms under penalty of perjury that the individual is authorized to file the document, the facts in the document are true, and the document otherwise complies with the secretary of state's filing requirements. The

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.

secretary of state files the document in an online database as a ministerial act and does not independently verify whether the document is accurate.

The bill creates a complaint process for a person whose business identity or personal identifying information has been used in the filing of these documents with the secretary of state without authority or for fraudulent activity. If a complaint is submitted with the secretary of state, the secretary may forward the complaint to the attorney general for further investigation. The attorney general may investigate the complaint and refer the complaint to an administrative law judge.

If an administrative law judge determines that an entity has been created fraudulently or without authorization, the secretary of state will:

- Mark the business record with a notice that the entity is fraudulent or unauthorized;
- Redact each address that was used without authorization from the entity's filing and from any other relevant filings; and
- Disable additional filing functionality on the entity's records.

If an administrative law judge determines that an unauthorized filing was made for a legitimate entity, the secretary of state will:

- Mark each unauthorized filing for the entity to notify the public that the filing is unauthorized;
- Redact from the entity's filing and from the relevant filings each address and name that was used without authorization; and
- Mark the business record on the entity's filing to notify the public that the entity has been the victim of fraudulent or unauthorized acts.

If a person alleged to have committed fraud or unauthorized acts fails to respond to the complaint, the allegations are deemed conceded, and the secretary of state will take the appropriate steps listed above in the same manner as if the finding had been made by an administrative law judge.

Additionally, the bill states that fraudulent filings are unfair or deceptive trade practices under the "Colorado Consumer Protection Act" and as such are subject to enforcement by the attorney general's office.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 7-90-314 as
3 follows:

4 **7-90-314. Fraudulent filings - complaint - review - referral to**

1 **attorney general - referral to administrative law judge - marking**
2 **filing as fraudulent - deceptive trade practice. (1) Fraudulent filings.**

3 THE FOLLOWING ACTIONS ARE PROHIBITED:

4 (a) INCLUDING THE NAME OF A PERSON ON A DOCUMENT FILED IN
5 THE SECRETARY OF STATE'S OFFICE UNDER THIS PART 3 WITHOUT THE
6 NAMED PERSON'S WRITTEN CONSENT IF THE PERSON IS INCLUDED IN THE
7 FILING AS:

8 (I) THE REGISTERED AGENT;

9 (II) THE INDIVIDUAL CAUSING THE DOCUMENT TO BE DELIVERED
10 TO THE SECRETARY OF STATE'S OFFICE FOR FILING;

11 (III) THE PERSON INCORPORATING, FORMING, OR ORGANIZING AN
12 ENTITY; OR

13 (IV) ANY OTHER PERSON REQUIRED UNDER THIS TITLE 7 TO BE
14 IDENTIFIED IN A DOCUMENT FILED IN THE SECRETARY OF STATE'S OFFICE;

15 (b) INCLUDING AN ADDRESS IN A DOCUMENT FILED IN THE
16 SECRETARY OF STATE'S OFFICE UNDER THIS PART 3 WITHOUT THE CONSENT
17 OF THE OWNER OF OR OCCUPANT OF THE INCLUDED ADDRESS; AND

18 (c) DELIVERING A DOCUMENT REGARDING AN ENTITY TO THE
19 SECRETARY OF STATE'S OFFICE IF THE INDIVIDUAL WHO MAKES THE
20 DELIVERY LACKS THE NECESSARY WRITTEN CONSENT OR AUTHORITY TO
21 DO SO.

22 (2) **Complaint.** A PERSON THAT IS NAMED IN OR OTHERWISE
23 AFFECTED BY THE FILING OF A DOCUMENT UNDER THIS PART 3 MAY SUBMIT
24 A COMPLAINT TO THE SECRETARY OF STATE, ON A FORM PRESCRIBED BY
25 THE SECRETARY OF STATE, ALLEGING THAT THE FILING WAS MADE IN
26 VIOLATION OF SUBSECTION (1) OF THIS SECTION. THE COMPLAINT MUST
27 INCLUDE AT LEAST THE FOLLOWING INFORMATION:

- 1 (a) A DESCRIPTION OF THE ALLEGED VIOLATION;
- 2 (b) THE NAME; STREET ADDRESS; TELEPHONE NUMBER; E-MAIL
3 ADDRESS, IF AVAILABLE; AND ANY ADDITIONAL CONTACT INFORMATION
4 OF THE PERSON MAKING THE COMPLAINT;
- 5 (c) THE NAME; STREET ADDRESS; TELEPHONE NUMBER; E-MAIL
6 ADDRESS, IF AVAILABLE; AND ANY ADDITIONAL CONTACT INFORMATION
7 OF ANY THIRD PARTY AUTHORIZED TO SUBMIT THE COMPLAINT BY AND ON
8 BEHALF OF THE PERSON THAT IS NAMED IN OR AFFECTED BY THE FILING;
- 9 (d) THE UNIQUE IDENTIFICATION NUMBER ASSIGNED BY THE
10 SECRETARY OF STATE TO EACH FILED DOCUMENT THAT IS ALLEGED TO
11 HAVE BEEN FILED IN VIOLATION OF SUBSECTION (1) OF THIS SECTION;
- 12 (e) THE UNIQUE IDENTIFICATION NUMBER ASSIGNED BY THE
13 SECRETARY OF STATE TO EACH ENTITY ASSOCIATED WITH BOTH THE
14 COMPLAINT AND THE FILING;
- 15 (f) INFORMATION, IF KNOWN TO THE PERSON MAKING THE
16 COMPLAINT, IDENTIFYING EACH PERSON INVOLVED IN THE FILING,
17 INCLUDING NAMES, STREET ADDRESSES, TELEPHONE NUMBERS, WEBSITES,
18 AND E-MAIL ADDRESSES;
- 19 (g) INFORMATION, IF KNOWN, IDENTIFYING THE NATURE OF ANY
20 BUSINESS OR PERSONAL RELATIONSHIP BETWEEN THE PERSON SUBMITTING
21 THE COMPLAINT AND EACH PERSON INVOLVED IN THE ALLEGED VIOLATION;
- 22 (h) A STATEMENT BY THE PERSON SUBMITTING THE COMPLAINT,
23 UNDER PENALTY OF PERJURY PURSUANT TO SECTION 7-90-301.5, THAT THE
24 PERSON BELIEVES IN GOOD FAITH THAT THE FACTS STATED IN THE
25 COMPLAINT ARE TRUE AND THAT THE COMPLAINT COMPLIES WITH THE
26 REQUIREMENTS OF THIS PART 3, THE CONSTITUENT DOCUMENTS, AND THE
27 ORGANIC STATUTES; AND

1 (i) ANY ADDITIONAL INFORMATION THAT THE PERSON BELIEVES
2 MAY ASSIST IN AN INVESTIGATION OF THE COMPLAINT.

3 (3) **Review - secretary of state.** (a) UPON RECEIPT OF A
4 COMPLAINT SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION,
5 THE SECRETARY OF STATE SHALL REVIEW THE COMPLAINT AND EVALUATE
6 WHETHER THE COMPLAINT INDICATES A VIOLATION OF SUBSECTION (1) OF
7 THIS SECTION AND SATISFIES THE REQUIREMENTS OF SUBSECTION (2) OF
8 THIS SECTION. IF SO, THE SECRETARY OF STATE, USING ELECTRONIC
9 MEANS, SHALL REFER THE COMPLAINT TO THE ATTORNEY GENERAL FOR
10 REVIEW AND INVESTIGATION UNDER THE "COLORADO CONSUMER
11 PROTECTION ACT", ARTICLE 1 OF TITLE 6.

12 (b) IF THE SECRETARY OF STATE DETERMINES THAT THE
13 INFORMATION PROVIDED IN A COMPLAINT DOES NOT INDICATE A
14 VIOLATION OF SUBSECTION (1) OF THIS SECTION OR DOES NOT SATISFY THE
15 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE SECRETARY OF
16 STATE, USING THE E-MAIL ADDRESS PROVIDED IN THE COMPLAINT, SHALL
17 NOTIFY THE PERSON THAT SUBMITTED THE COMPLAINT OF THE FACT AND
18 PROVIDE AN EXPLANATION OF ANY DEFICIENCIES IN THE COMPLAINT.

19 (c) THE SECRETARY OF STATE MAY ASK A PERSON WHO SUBMITS
20 A COMPLAINT TO SUBMIT ADDITIONAL INFORMATION CONCERNING:

21 (I) THE ALLEGED VIOLATION OF SUBSECTION (1) OF THIS SECTION;
22 OR

23 (II) THE PERSON'S FAILURE TO SUBMIT THE INFORMATION
24 REQUIRED BY SUBSECTION (2) OF THIS SECTION.

25 (d) IF AN E-MAIL ADDRESS WAS PROVIDED, THE SECRETARY OF
26 STATE SHALL USE ELECTRONIC MEANS TO NOTIFY THE PERSON WHO
27 SUBMITTED A COMPLAINT OF THE OUTCOME OF THE SECRETARY OF STATE'S

1 REVIEW OF THE COMPLAINT. IF AN E-MAIL ADDRESS WAS NOT PROVIDED,
2 THE SECRETARY OF STATE SHALL USE REGISTERED MAIL TO NOTIFY THE
3 PERSON OF THE OUTCOME OF THE REVIEW.

4 (e) IF THE SECRETARY OF STATE REJECTS A COMPLAINT FOR
5 FAILURE TO COMPLY WITH SUBSECTION (1) OR (2) OF THIS SECTION, THE
6 COMPLAINT MAY BE RESUBMITTED.

7 (4) **Review - attorney general.** (a) UPON RECEIPT OF A
8 COMPLAINT REFERRED BY THE SECRETARY OF STATE IN ACCORDANCE WITH
9 SUBSECTION (3)(a) OF THIS SECTION, THE ATTORNEY GENERAL SHALL
10 REVIEW THE COMPLAINT AND DETERMINE WHETHER THE COMPLAINT
11 SHOULD BE INVESTIGATED. IF THE ATTORNEY GENERAL DETERMINES THAT
12 THE COMPLAINT SHOULD BE INVESTIGATED, THE ATTORNEY GENERAL:

13 (I) SHALL MAIL A WRITTEN NOTICE AND DEMAND TO THE STREET
14 ADDRESS OR MAILING ADDRESS, IF DIFFERENT FROM THE STREET ADDRESS,
15 AS WELL AS TO THE E-MAIL ADDRESS, IF AVAILABLE, OF THE REGISTERED
16 AGENT OF RECORD LISTED IN THE SECRETARY OF STATE'S ONLINE FILING
17 SYSTEM FOR THE ENTITY AT ISSUE, AND, IF A TELEPHONE NUMBER IS
18 AVAILABLE, THE ATTORNEY GENERAL SHALL CONTACT THE REGISTERED
19 AGENT BY TELEPHONE; AND

20 (II) MAY PROVIDE WRITTEN OR VERBAL NOTICE AND DEMAND TO
21 ANY OTHER POINT OF CONTACT THAT THE ATTORNEY GENERAL
22 DETERMINES THROUGH INVESTIGATION TO BE A MEANS BY WHICH TO
23 REACH THE ENTITY AT ISSUE.

24 (b) THE ATTORNEY GENERAL'S NOTICE AND DEMAND MUST NOTIFY
25 THE ENTITY AT ISSUE OF THE ALLEGATIONS IN THE COMPLAINT AND
26 DEMAND THAT THE ENTITY RESPOND TO THE COMPLAINT BY A DATE
27 CERTAIN, WHICH RESPONSE MUST INCLUDE THE INFORMATION DESCRIBED

1 IN SUBSECTION (4)(c) OF THIS SECTION.

2 (c) A PERSON TO WHOM THE ATTORNEY GENERAL SENDS A NOTICE
3 AND DEMAND, OR THE PERSON'S AGENT, SHALL RESPOND TO THE NOTICE
4 AND DEMAND WITHIN TWENTY-ONE DAYS AFTER THE WRITTEN NOTICE
5 AND DEMAND IS MAILED. THE RESPONSE MUST INCLUDE THE FOLLOWING
6 INFORMATION:

7 (I) THE NAME; STREET ADDRESS; TELEPHONE NUMBER; E-MAIL
8 ADDRESS, IF AVAILABLE; AND ANY ADDITIONAL CONTACT INFORMATION
9 OF THE PERSON RESPONDING TO THE NOTICE AND DEMAND AND, IF THE
10 RESPONDING PERSON IS AN AGENT OF THE PERSON TO WHOM THE NOTICE
11 AND DEMAND IS SENT, ALL DOCUMENTS, INCLUDING ANY REGISTERED
12 AGENT INFORMATION, THAT ESTABLISH THE AGENT'S AUTHORITY TO ACT
13 ON THE PERSON'S BEHALF;

14 (II) THE NAME OF THE ENTITY AT ISSUE;

15 (III) INFORMATION, IF KNOWN, IDENTIFYING EACH PERSON
16 INVOLVED IN THE ALLEGED VIOLATION OF SUBSECTION (1) OF THIS
17 SECTION, INCLUDING NAMES, STREET ADDRESSES, TELEPHONE NUMBERS,
18 WEBSITES, AND E-MAIL ADDRESSES;

19 (IV) INFORMATION IDENTIFYING THE NATURE OF ANY BUSINESS OR
20 PERSONAL RELATIONSHIP BETWEEN THE PERSON THAT SUBMITTED THE
21 COMPLAINT AND EACH PERSON INVOLVED IN THE ALLEGED VIOLATION OF
22 SUBSECTION (1) OF THIS SECTION;

23 (V) A STATEMENT BY THE ENTITY AT ISSUE RESPONDING TO THE
24 NOTICE AND DEMAND THAT AFFIRMS OR DENIES HAVING KNOWLEDGE OF
25 OR INFORMATION ABOUT THE ALLEGED VIOLATION OF SUBSECTION (1) OF
26 THIS SECTION;

27 (VI) MATERIAL EVIDENCE OF WRITTEN CONSENT TO USE THE NAME

1 OR ADDRESS IN THE FILING AT ISSUE;

2 (VII) A STATEMENT BY THE PERSON RESPONDING TO THE NOTICE
3 AND DEMAND, UNDER PENALTY OF PERJURY PURSUANT TO SECTION
4 7-90-301.5, THAT THE PERSON BELIEVES IN GOOD FAITH THAT THE FACTS
5 STATED IN THE RESPONSE ARE TRUE AND THAT THE RESPONSE COMPLIES
6 WITH THE REQUIREMENTS OF THIS PART 3, THE CONSTITUENT DOCUMENTS,
7 AND THE ORGANIC STATUTES; AND

8 (VIII) ANY ADDITIONAL INFORMATION THAT THE PERSON
9 RESPONDING TO THE NOTICE AND DEMAND BELIEVES MAY BE USEFUL IN AN
10 INVESTIGATION OF THE COMPLAINT.

11 (d) ALL INFORMATION RECEIVED BY THE ATTORNEY GENERAL
12 UNDER THIS SECTION IS GOVERNED BY SECTION 6-1-111 (2).

13 (e) IF, WITHIN TWENTY-ONE DAYS AFTER MAILING A NOTICE AND
14 DEMAND, THE ATTORNEY GENERAL DOES NOT RECEIVE A RESPONSE IN
15 WRITING OR OTHERWISE, THE ATTORNEY GENERAL SHALL SEND A SECOND
16 NOTICE AND DEMAND, CONSISTENT WITH THE REQUIREMENTS OF THIS
17 SUBSECTION (4), AND ALLOW TWENTY-ONE DAYS FOR A RESPONSE, WHICH
18 MUST COMPLY WITH SUBSECTION (4)(c) OF THIS SECTION.

19 (f) IF THE ATTORNEY GENERAL DOES NOT RECEIVE A RESPONSE
20 WITHIN TWENTY-ONE DAYS AFTER MAILING A SECOND NOTICE AND
21 DEMAND AS DESCRIBED IN SUBSECTION (4)(e) OF THIS SECTION, EACH
22 ALLEGATION IN THE NOTICE AND DEMAND IS DEEMED CONCEDED BY THE
23 PERSON THAT DID NOT RESPOND, AND THE ATTORNEY GENERAL MAY
24 CERTIFY THAT FACT TO THE SECRETARY OF STATE. UPON RECEIVING THE
25 CERTIFICATION, THE SECRETARY OF STATE SHALL TAKE THE APPROPRIATE
26 REMEDIAL ACTION UNDER SUBSECTIONS (4)(g)(V) AND (4)(g)(VI) OF THIS
27 SECTION BASED ON THE FACTS CONCEDED TO IN THE NOTICE AND DEMAND.

1 (g) (I) A PERSON THAT RECEIVES A NOTICE AND DEMAND MAY
2 REQUEST A HEARING ON ANY ISSUE RAISED BY THE NOTICE AND DEMAND
3 WITHIN TWENTY-ONE DAYS AFTER THE NOTICE AND DEMAND IS MAILED.
4 IF A PERSON TIMELY REQUESTS A HEARING, THE ATTORNEY GENERAL MAY
5 REFER THE COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE.

6 (II) IF THE ATTORNEY GENERAL REFERS THE COMPLAINT TO AN
7 ADMINISTRATIVE LAW JUDGE, THE ATTORNEY GENERAL SHALL PROSECUTE
8 THE MATTER BEFORE THE ADMINISTRATIVE LAW JUDGE. IF THE ATTORNEY
9 GENERAL DOES NOT REFER THE COMPLAINT TO AN ADMINISTRATIVE LAW
10 JUDGE WITHIN ONE HUNDRED EIGHTY DAYS AFTER A PERSON REQUESTS A
11 HEARING, THE ATTORNEY GENERAL IS DEEMED TO HAVE DETERMINED TO
12 NOT PROCEED WITH PROSECUTING THE COMPLAINT.

13 (III) THE ADMINISTRATIVE LAW JUDGE SHALL HOLD A HEARING
14 WITHIN SIXTY DAYS AFTER THE ATTORNEY GENERAL REFERS A COMPLAINT
15 AND SHALL RENDER A DECISION WITHIN FIFTEEN DAYS AFTER THE
16 HEARING. THE ADMINISTRATIVE LAW JUDGE MAY GRANT THE ATTORNEY
17 GENERAL OR THE PERSON REQUESTING A HEARING AN EXTENSION OF UP TO
18 THIRTY DAYS UPON A MOTION. THE ADMINISTRATIVE LAW JUDGE MAY
19 GRANT THE ATTORNEY GENERAL OR THE PERSON REQUESTING A HEARING
20 AN EXTENSION OF LONGER THAN THIRTY DAYS UPON A SHOWING OF GOOD
21 CAUSE.

22 (IV) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT SUBSECTION
23 (1) OF THIS SECTION HAS BEEN VIOLATED, THE ADMINISTRATIVE LAW
24 JUDGE SHALL MAKE AN ADDITIONAL FINDING AS TO WHETHER:

25 (A) AN ENTITY WAS CREATED WITHOUT AUTHORIZATION OR FOR
26 FRAUDULENT PURPOSES; OR

27 (B) AN UNAUTHORIZED FILING WAS MADE FOR A LEGITIMATE

1 ENTITY.

2 (V) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT, OR IF A
3 CONCEDED NOTICE AND DEMAND SETS FORTH THAT, AN ENTITY WAS
4 CREATED WITHOUT AUTHORIZATION OR FOR FRAUDULENT PURPOSES, THE
5 ATTORNEY GENERAL SHALL NOTIFY THE SECRETARY OF STATE, WHO
6 SHALL:

7 (A) MARK THE BUSINESS RECORD WITH A NOTICE THAT THE ENTITY
8 IS UNAUTHORIZED OR FRAUDULENT;

9 (B) REDACT EACH ADDRESS THAT WAS USED WITHOUT
10 AUTHORIZATION FROM THE ENTITY'S FILING AND FROM ANY OTHER
11 RELEVANT FILINGS; AND

12 (C) DISABLE ADDITIONAL FILING FUNCTIONALITY ON THE ENTITY'S
13 RECORDS.

14 (VI) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT, OR IF A
15 CONCEDED NOTICE AND DEMAND SETS FORTH THAT, AN UNAUTHORIZED
16 FILING WAS MADE FOR A LEGITIMATE ENTITY, THE ATTORNEY GENERAL
17 SHALL NOTIFY THE SECRETARY OF STATE, WHO SHALL:

18 (A) MARK EACH UNAUTHORIZED FILING FOR THE ENTITY TO
19 NOTIFY THE PUBLIC THAT THE FILING IS UNAUTHORIZED;

20 (B) REDACT EACH ADDRESS AND NAME THAT WAS USED WITHOUT
21 AUTHORIZATION FROM THE ENTITY'S FILING AND FROM THE RELEVANT
22 FILINGS; AND

23 (C) MARK THE BUSINESS RECORD ON THE ENTITY'S FILING TO
24 NOTIFY THE PUBLIC THAT THE ENTITY HAS BEEN THE VICTIM OF
25 FRAUDULENT OR UNAUTHORIZED ACTS.

26 (VII) THE DECISION OF THE ADMINISTRATIVE LAW JUDGE IS FINAL
27 AND SUBJECT TO REVIEW BY THE COURT OF APPEALS UNDER SECTION

1 24-4-106 (11). THE SECRETARY OF STATE AND THE ADMINISTRATIVE LAW
2 JUDGE ARE NOT NECESSARY PARTIES TO THE REVIEW.

3 (h) THE ATTORNEY GENERAL SHALL COMMUNICATE THE FINDING
4 MADE BY THE ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH
5 SUBSECTION (4)(g)(IV) OF THIS SECTION TO:

6 (I) THE PERSON WHO SUBMITTED THE COMPLAINT, USING THE
7 E-MAIL ADDRESS PROVIDED ON THE COMPLAINT FORM OR, IF AN E-MAIL
8 ADDRESS WAS NOT PROVIDED, USING THE MAILING ADDRESS PROVIDED ON
9 THE COMPLAINT FORM; AND

10 (II) EACH ENTITY AT ISSUE, USING REGISTERED MAIL ADDRESSED
11 TO THE STREET ADDRESS OR MAILING ADDRESS, IF DIFFERENT, OF THE
12 REGISTERED AGENT OF RECORD FOR THE ENTITY LISTED IN THE SECRETARY
13 OF STATE'S ONLINE FILING SYSTEM AND TO THE E-MAIL ADDRESS LISTED,
14 IF PROVIDED; AND

15 (III) THE SECRETARY OF STATE.

16 (5) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A
17 DECEPTIVE TRADE PRACTICE UNDER SECTION 6-1-105 (1)(ooo) AND IS
18 SUBJECT TO ENFORCEMENT BY THE ATTORNEY GENERAL'S OFFICE IN
19 ADDITION TO THE ENFORCEMENT DESCRIBED IN THIS SECTION.

20 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**
21 (1)(ooo) as follows:

22 **6-1-105. Unfair or deceptive trade practices.** (1) A person
23 engages in a deceptive trade practice when, in the course of the person's
24 business, vocation, or occupation, the person:

25 (ooo) VIOLATES SECTION 7-90-314 (1).

26 **SECTION 3. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect February 1, 2023; except that, if

1 a referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within the ninety-day period after final adjournment of the general
4 assembly, then the act, item, section, or part will not take effect unless
5 approved by the people at the general election to be held in November
6 2022 and, in such case, will take effect February 1, 2023, or on the date
7 of the official declaration of the vote thereon by the governor, whichever
8 is later.

9 (2) This act applies to complaints submitted and offenses
10 committed on or after the applicable effective date of this act.