

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 17-0246.01 Richard Sweetman x4333

**HOUSE BILL 17-1095**

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**HOUSE SPONSORSHIP**

**Melton,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE SERVICE OF PROCESS TO INDIVIDUALS WHO LIVE IN**  
102      **SECURED RESIDENTIAL COMMUNITIES.**

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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 sets forth several means by which a process server may serve process on another person when the process server is denied access to the other person's residential community by one or more security officers or security devices. Service of process by any of these alternative means constitutes valid service of process.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 27, 2017

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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 12-61-1015** as  
3 follows:

4 **12-61-1015. Service of process to residents - service of process**  
5 **by private investigators - immunity from liability.** (1) A PRIVATE  
6 INVESTIGATOR WHO IS LICENSED PURSUANT TO SECTION 12-58.5-106 IS  
7 AUTHORIZED TO SERVE PROCESS TO A RESIDENT OF A COMMON INTEREST  
8 COMMUNITY AND MAY ENTER THE COMMON INTEREST COMMUNITY FOR A  
9 REASONABLE PERIOD OF TIME FOR THE SOLE PURPOSE OF SERVING PROCESS  
10 AFTER HE OR SHE PRESENTS A COPY OF HIS OR HER PRIVATE  
11 INVESTIGATOR'S LICENSE AND A COPY OF THE DOCUMENTS TO BE SERVED.

12 (2) THIS SECTION APPLIES ONLY TO COMMON INTEREST  
13 COMMUNITIES THAT ARE STAFFED BY ONE OR MORE SECURITY PERSONNEL  
14 AT THE TIME THAT A LICENSED PRIVATE INVESTIGATOR ATTEMPTS TO  
15 SERVE PROCESS TO A RESIDENT. A COMMON INTEREST COMMUNITY THAT  
16 IS NOT STAFFED SHALL ADOPT AND IMPLEMENT A PROCEDURE FOR  
17 ALLOWING LEGITIMATE SERVICE OF PROCESS TO RESIDENTS.

18 (3) A LICENSED PRIVATE INVESTIGATOR WHO IS ALLOWED ACCESS  
19 TO A COMMON INTEREST COMMUNITY TO SERVE PROCESS TO A RESIDENT  
20 PURSUANT TO THIS SECTION SHALL NOT USE SUCH ACCESS TO PERFORM  
21 ANY INVESTIGATIVE ACTIVITIES.

22 (4) NEITHER AN HOA NOR A COMMUNITY ASSOCIATION MANAGER  
23 OF A COMMON INTEREST COMMUNITY IS CIVILLY LIABLE FOR ANY  
24 DAMAGES CAUSED BY A PROCESS SERVER WHO ENTERS THE COMMON  
25 INTEREST COMMUNITY TO SERVE PROCESS TO A RESIDENT, AS DESCRIBED  
26 IN SUBSECTION (1) OF THIS SECTION, UNLESS SUCH DAMAGES ARE AT LEAST

1 PARTIALLY ATTRIBUTABLE TO A NEGLIGENT ACT OR OMISSION BY THE  
2 HOA OR COMMUNITY ASSOCIATION MANAGER.

3 **SECTION 2.** In Colorado Revised Statutes, 13-1-125, **add (4)** as  
4 follows:

5 **13-1-125. Service of process - service of process in multi-unit**  
6 **residential communities.** (4) (a) ON AND AFTER THE EFFECTIVE DATE OF  
7 THIS SUBSECTION (4), A PROPERTY MANAGER OR PROPERTY MANAGEMENT  
8 COMPANY THAT MANAGES A MULTI-UNIT RESIDENTIAL COMMUNITY AND  
9 THAT RESTRICTS ACCESS TO THE COMMUNITY BY NONRESIDENTS SHALL  
10 ESTABLISH AND MAINTAIN A POLICY TO FACILITATE THE SERVICE OF  
11 PROCESS TO RESIDENTS OF THE COMMUNITY.

12 (b) AS USED IN THIS SECTION, "PROPERTY MANAGER" INCLUDES,  
13 BUT IS NOT LIMITED TO, A COMMUNITY ASSOCIATION MANAGER, AS  
14 DEFINED IN SECTION 12-61-1001 (5), AND A DESIGNATED MANAGER, AS  
15 DEFINED IN SECTION 12-61-1001 (5.5), OF A MULTI-UNIT RESIDENTIAL  
16 COMMUNITY.

17 **SECTION 3.** In Colorado Revised Statutes, **add** part 7 to article  
18 12 of title 38 as follows:

19 **PART 7**

20 **SERVICE OF PROCESS TO RESIDENTS**

21 **38-12-701. Service of process to residents - immunity from**  
22 **liability.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A  
23 LANDLORD OF A RESIDENTIAL PREMISES SHALL ADOPT AND IMPLEMENT A  
24 POLICY TO FACILITATE THE SERVICE OF PROCESS TO RESIDENTS OF THE  
25 RESIDENTIAL PREMISES.

26 (2) A LANDLORD OF A RESIDENTIAL PREMISES IS NOT CIVILLY  
27 LIABLE FOR ANY DAMAGES CAUSED BY A PROCESS SERVER WHO ENTERS

1 THE RESIDENTIAL PREMISES TO SERVE PROCESS TO A RESIDENT UNLESS  
2 SUCH DAMAGES ARE AT LEAST PARTIALLY ATTRIBUTABLE TO A NEGLIGENT  
3 ACT OR OMISSION BY THE LANDLORD.

4 (3) AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE  
5 REQUIRES:

6 (a) "LANDLORD" HAS THE SAME MEANING AS SET FORTH IN  
7 SECTION 38-12-502 (3).

8 (b) "RESIDENTIAL PREMISES" HAS THE SAME MEANING AS SET  
9 FORTH IN SECTION 38-12-502 (5).

10 **SECTION 4. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.