

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0246.01 Richard Sweetman x4333

HOUSE BILL 17-1095

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

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

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.

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 by private**

5 **investigators.** (1) A PRIVATE INVESTIGATOR WHO IS LICENSED PURSUANT
6 TO SECTION 12-58.5-106 IS AUTHORIZED TO SERVE PROCESS TO A
7 RESIDENT OF A COMMON INTEREST COMMUNITY AND MAY ENTER THE
8 COMMON INTEREST COMMUNITY FOR A REASONABLE PERIOD OF TIME FOR
9 THE SOLE PURPOSE OF SERVING PROCESS AFTER HE OR SHE PRESENTS A
10 COPY OF HIS OR HER PRIVATE INVESTIGATOR'S LICENSE AND A COPY OF THE
11 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 **SECTION 2.** In Colorado Revised Statutes, 13-1-125, **add (4)** as
23 follows:

24 **13-1-125. Service of process - service of process in multi-unit**

25 **residential communities.** (4) (a) ON AND AFTER THE EFFECTIVE DATE OF
26 THIS SUBSECTION (4), A PROPERTY MANAGER OR PROPERTY MANAGEMENT

1 COMPANY THAT MANAGES A MULTI-UNIT RESIDENTIAL COMMUNITY AND
2 THAT RESTRICTS ACCESS TO THE COMMUNITY BY NONRESIDENTS SHALL
3 ESTABLISH AND MAINTAIN A POLICY TO FACILITATE THE SERVICE OF
4 PROCESS TO RESIDENTS OF THE COMMUNITY.

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

10 **SECTION 3. 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.