

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

INTRODUCED

LLS NO. 17-0238.01 Ed DeCecco x4216

HOUSE BILL 17-1243

HOUSE SPONSORSHIP

Willett, Foote, Herod, Lee, Wist

SENATE SPONSORSHIP

Guzman, Cooke, Gardner, Holbert, Kagan

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS**
102 **RELATED TO WHOLESALE SALES REPRESENTATIVES FROM TITLE**
103 **12, COLORADO REVISED STATUTES, AS PART OF THE**
104 **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

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/>.)

Committee on Legal Services. Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and

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.

occupations. To implement the initial recommendations of the study, **section 1** of the bill relocates article 66 of title 12, which relates to wholesale sales representatives, to title 13. **Section 2** repeals the article where this law was previously codified.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 13 to article 21 of title 13 as follows:

4 PART 13

5 WHOLESALE SALES REPRESENTATIVES

6 **13-21-1301. [Formerly 12-66-101] Legislative declaration.** The
7 general assembly hereby finds, determines, and declares that independent
8 wholesale sales representatives are a key ingredient to the Colorado
9 economy. The general assembly further finds and declares that wholesale
10 sales representatives spend many hours developing their territory in order
11 to properly market their products. Therefore, it is the intent of the general
12 assembly to provide security and clarify the relations between
13 distributors, jobbers, or manufacturers and their wholesale sales
14 representatives.

15 **13-21-1302. [Formerly 12-66-102] Jurisdiction over**
16 **nonresident representatives.** A distributor, jobber, or manufacturer who
17 is not a resident of Colorado and who enters into any written contract or
18 written sales agreement regulated by this article shall be deemed to be
19 doing business in Colorado for purposes of personal jurisdiction.

20 **13-21-1303. [Formerly 12-66-103] Damages.** (1) A distributor,
21 jobber, or manufacturer who knowingly fails to pay commissions as
22 provided in any written contract or written sales agreement shall be liable
23 to the wholesale sales representative in a civil action for treble the

1 damages proved at trial.

2 (2) In a civil action brought by a wholesale sales representative
3 pursuant to this section, the prevailing party shall be entitled to reasonable
4 attorney fees and costs in addition to any other recovery.

5 **13-21-1304. [Formerly 12-66-104] Liquor licensees excepted.**

6 This article shall not apply to any person licensed under article 46 or 47
7 of ~~this title~~ TITLE 12.

8 **SECTION 2. Repeal of relocated provisions in this act.** In
9 Colorado Revised Statutes, **repeal** article 66 of title 12.

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.