

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0052.01 Jacob Baus x2173

SENATE BILL 20-080

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING AMENDING THE "COLORADO CONSUMER PROTECTION
102 ACT" TO INCREASE THE DAMAGES FOR WHICH A PLAINTIFF IS
103 ELIGIBLE.

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 amends the "Colorado Consumer Protection Act" (act) to state that a plaintiff in an individual action may be awarded damages equal to the sum of \$500 per violation.

The bill also amends the act to state that, under the act, a class action may be brought and damages may be awarded to the class.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-113, **amend**
3 (2)(a)(II); and **add** (2.2) as follows:

4 **6-1-113. Damages - definition.** (2) Except in a class action or a
5 case brought for a violation of section 6-1-709, and notwithstanding any
6 other law, any person who, in a private civil action, is found to have
7 engaged in or caused another to engage in any deceptive trade practice
8 listed in this article 1 is liable in an amount equal to the sum of:

9 (a) The greater of:

10 (II) Five hundred dollars PER VIOLATION; or

11 (2.2) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, IN A
12 PRIVATE CIVIL ACTION THAT IS CERTIFIED AS A CLASS ACTION, ANY PERSON
13 WHO IS FOUND TO HAVE ENGAGED IN OR CAUSED ANOTHER TO ENGAGE IN
14 ANY DECEPTIVE TRADE PRACTICE LISTED IN THIS ARTICLE 1 IS LIABLE TO
15 THE CLASS FOR:

16 (a) THE AMOUNT OF ACTUAL DAMAGES SUSTAINED BY THE CLASS;

17 AND

18 (b) IN THE CASE OF ANY SUCCESSFUL ACTION TO ENFORCE
19 LIABILITY, THE COSTS OF THE ACTION TOGETHER WITH REASONABLE
20 ATTORNEY FEES AS DETERMINED BY THE COURT; AND

21 (c) IN THE CASE OF ANY SUCCESSFUL ACTION FOR INJUNCTIVE
22 RELIEF, ANY INJUNCTIVE RELIEF AND DECLARATORY RELIEF THE COURT
23 MAY AWARD, IF IT IS SHOWN THAT THE PARTY OPPOSING THE CLASS HAS
24 ACTED OR REFUSED TO ACT ON GROUNDS GENERALLY APPLICABLE TO THE
25 CLASS.

26 **SECTION 2. Effective date - applicability.** This act takes effect

1 July 1, 2020, and applies to causes of action arising on or after said date.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.