

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

**PREAMENDED**

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

LLS NO. 23-0482.01 Christopher McMichael x4775

**SENATE BILL 23-060**

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**SENATE SPONSORSHIP**

**Rodriguez,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CONSUMER PROTECTIONS IN EVENT TICKET SALES.**

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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 amends consumer protection law regarding ticket sales and resales for events. **Section 1** of the bill amends definitions related to event ticket sales to:

- Specify that a "reseller" includes an event operator who acts as a reseller of event tickets; and
- Define a "rights holder" as a person with initial ownership rights to sell a ticket to an event.

Current law imposes certain restrictions on the resale of tickets.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

**Section 1** exempts from those ticket resale restrictions tickets to events that are initially offered at no charge or as part of a charitable event or for tickets that are offered in compliance with the "Americans with Disabilities Act".

**Section 1** also allows an event operator to revoke or restrict tickets that are purchased or sold through deceptive trade practices.

**Section 2** specifies that a person engages in deceptive trade practices when, in the course of the person's business, vocation, or occupation, the person:

- Uses computer software or systems that run automated tasks to purchase tickets to events or to circumvent or disable ticket limitation and security measures;
- Displays trademarked, copyrighted, or substantially similar web designs, URLs, or other images and symbols without the consent of the trademark or copyright holder, operator, or rights holder;
- Sells a ticket to an event without disclosing the total cost of the ticket, including the cost of any service charge or other fees that must be paid, or displays service charges and fees less prominently than the total price of the ticket;
- Increases the price of a ticket once the ticket has been selected for purchase, with the exception of adding delivery fees; or
- Advertises, offers for sale, or contracts for the resale of a ticket unless the ticket conforms to its description as advertised, the person has possession or constructive possession of the ticket, and the person has permission from the rights holder.

**Section 2** also outlines a civil penalty structure for transactions in which one or more tickets are sold or acquired in a manner that constitutes a deceptive trade practice.

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

2           **SECTION 1.** In Colorado Revised Statutes, 6-1-718, **amend**  
3 (1)(a), (1)(d), (1)(e), (1)(f), (1)(g), (2), (3)(b), and (5); and **add (1)(c.5),**  
4 **(1)(h), and (6)** as follows:

5           **6-1-718. Ticket sales and resales - prohibitions - unlawful**  
6 **conditions - definitions.** (1) As used in this section, unless the context  
7 otherwise requires:

1           (a) "Operator" means a person or entity who THAT owns, operates,  
2           or controls a place of entertainment or who THAT promotes or produces  
3           entertainment, and that sells a ticket to an event for original sale,  
4           including an employee of such person. or entity.

5           (c.5) "PRIMARY TICKET SELLER" MEANS A PERSON THAT HAS BEEN  
6           AUTHORIZED BY AN OPERATOR, AS DEFINED IN SUBSECTION (1)(a) OF THIS  
7           SECTION, TO SELL A TICKET TO AN EVENT FOR ORIGINAL SALE.

8           (d) "Purchaser" means a person or entity who THAT purchases a  
9           ticket to a place of entertainment.

10          (e) "Resale" or "resold" means a sale, other than the original sale,  
11          of a ticket by a person. or entity.

12          (f) "Reseller" means a person or entity that offers or sells RESALE  
13          tickets ~~for resale after the original sale by the operator~~ OR THAT OPERATES  
14          A PLATFORM OR EXCHANGE FOR ADVERTISING, LISTING, OR SELLING  
15          RESALE TICKETS, including ~~an entity~~ A PERSON that operates a platform or  
16          exchange for the purchase and sale of ORIGINAL SALE tickets to events  
17          ~~that also engages in the purchase and resale of the ticket either on behalf~~  
18          ~~of the operator, or on its own behalf if a reseller~~ TO THE EXTENT THAT  
19          SUCH PERSON ALSO OFFERS OR SELLS RESALE TICKETS.

20          (g) "Ticket" means ~~a license issued by the operator of a place of~~  
21          ~~entertainment for admission to an event at the date and time specified on~~  
22          ~~the ticket, subject to the terms and conditions as specified by the operator.~~

23          "RIGHTS HOLDER" MEANS ANY PERSON THAT HAS THE INITIAL OWNERSHIP  
24          RIGHTS TO SELL A TICKET TO AN EVENT FOR WHICH TICKETS FOR ENTRY BY  
25          THE PUBLIC ARE REQUIRED.

26          (h) "TICKET" MEANS A LICENSE ISSUED BY THE OPERATOR OF A  
27          PLACE OF ENTERTAINMENT FOR ADMISSION TO AN EVENT AT THE DATE

1 AND TIME SPECIFIED ON THE TICKET, SUBJECT TO THE TERMS AND  
2 CONDITIONS AS SPECIFIED BY THE OPERATOR.

3 (2) Resellers shall guarantee a full refund to a purchaser OF A  
4 TICKET if:

5 (a) The event ~~for which the ticket was resold~~ is canceled;

6 (b) The ticket does not or would not in fact grant the purchaser  
7 admission to the event; ~~for which the ticket was resold;~~

8 (c) The ticket is counterfeit; or

9 (d) The ticket fails to conform to its description as advertised ~~or~~  
10 ~~as represented~~ to the purchaser by the reseller.

11 (3) (b) Nothing in this section shall be deemed to prohibit an  
12 operator from prohibiting the resale of:

13 (I) A contractual right in a season ticket package agreement that  
14 gives the original purchaser a priority or other preference to enter into a  
15 subsequent season ticket package agreement with the operator; OR

16 (II) ANY TICKET OR OTHER EVIDENCE OF THE RIGHT OF ENTRY TO  
17 ANY PLACE OF ENTERTAINMENT IF THE TICKET OR OTHER EVIDENCE WAS  
18 INITIALLY OFFERED:

19 (A) AT NO CHARGE, AND ACCESS TO THE TICKET OR OTHER  
20 EVIDENCE IS NOT CONTINGENT UPON PROVIDING ANY FORM OF MONETARY  
21 CONSIDERATION;

22 (B) AS PART OF A CHARITABLE EVENT WITH A CHARITABLE  
23 PURPOSE, AS DEFINED IN SECTION 6-16-103 (2); OR

24 (C) IN COMPLIANCE WITH THE FEDERAL "AMERICANS WITH  
25 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

26 (5) Nothing in this section shall be construed to prohibit an  
27 operator from maintaining and enforcing policies regarding conduct or

1 behavior at or in connection with the operator's venue PLACE OF  
2 ENTERTAINMENT. An operator may revoke or restrict ~~season~~ tickets for:

3 (a) Reasons relating to a violation of venue policies; ~~and to the~~  
4 ~~extent the operator may deem necessary for~~

5 (b) The protection of the safety of patrons; or

6 (c) To address fraud or misconduct, INCLUDING MISCONDUCT  
7 THAT CONSTITUTES A DECEPTIVE TRADE PRACTICE AS DESCRIBED IN  
8 SECTION 6-1-720.

9 (6) AN OPERATOR OR RIGHTS HOLDER THAT BRINGS A CIVIL ACTION  
10 PURSUANT TO SECTION 6-1-113 FOR A VIOLATION OF THIS SECTION IS  
11 SUBJECT TO THE PROCEDURES OUTLINED IN SECTION 6-1-720 (5).

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 6-1-720 as  
13 follows:

14 **6-1-720. Online event ticket sales - deceptive trade practice -**  
15 **penalties - civil actions - definitions.** (1) A person AN OPERATOR, A  
16 PRIMARY TICKET SELLER, A RESELLER, AN INDIVIDUAL, OR ANY OTHER  
17 PERSON engages in a deceptive trade practice when, in the course of the  
18 person's business, vocation, or occupation, ~~such~~ THE person:

19 (a) Uses or causes to be used a software application that runs  
20 automated tasks over the internet to access a computer, computer  
21 network, or computer system, or any part ~~thereof~~ OF A COMPUTER,  
22 COMPUTER NETWORK, OR COMPUTER SYSTEM, for the purpose of  
23 purchasing tickets; ~~in excess of authorized limits for an online event~~  
24 ~~ticket sale with the intent to resell such tickets; or~~

25 (b) Uses or causes to be used a software application that runs  
26 automated tasks over the internet, ~~that circumvents or disables~~ OR USES OR  
27 CAUSES TO BE USED MULTIPLE ELECTRONIC MAIL ADDRESSES OR INTERNET

1 SERVICE PROVIDERS, TO CIRCUMVENT OR DISABLE any electronic queues,  
2 waiting periods, or other sales volume limitation systems associated with  
3 an online event ticket sale;

4 (c) USES OR CAUSES TO BE USED A SOFTWARE APPLICATION THAT  
5 RUNS AUTOMATED TASKS OVER THE INTERNET TO CIRCUMVENT OR  
6 DISABLE A SECURITY MEASURE, ACCESS CONTROL SYSTEM, OR OTHER  
7 TECHNOLOGICAL CONTROL OR MEASURE ON AN INTERNET WEBSITE OR  
8 ONLINE SERVICE THAT IS USED BY THE OPERATOR TO FACILITATE  
9 AUTHORIZED ENTRY INTO AN EVENT;

10 (d) USES OR CAUSES TO BE USED AN INTERNET WEBSITE TO  
11 DISPLAY A TRADEMARKED OR COPYRIGHTED URL, TITLE DESIGNATION,  
12 IMAGE, MARK, OR OTHER SYMBOL WITHOUT THE WRITTEN CONSENT OF THE  
13 TRADEMARK OR COPYRIGHT HOLDER;

14 (e) USES OR CAUSES TO BE USED AN INTERNET WEBSITE TO  
15 DISPLAY ANY COMBINATION OF TEXT, IMAGES, WEB DESIGNS, OR INTERNET  
16 ADDRESSES, WHICH INTERNET WEBSITE IS SUBSTANTIALLY SIMILAR TO THE  
17 INTERNET WEBSITE OF AN OPERATOR OR RIGHTS HOLDER, WITHOUT THE  
18 WRITTEN CONSENT OF THE OPERATOR OR RIGHTS HOLDER;

19 (f) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT  
20 WITHOUT DISCLOSING THE TOTAL COST OF THE TICKET, INCLUSIVE OF ALL  
21 ANCILLARY FEES THAT MUST BE PAID IN ORDER TO PURCHASE THE TICKET,  
22 IN THE TICKET LISTING PRIOR TO THE TICKET BEING SELECTED FOR  
23 PURCHASE;

24 (g) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT  
25 WITHOUT DISCLOSING THE PORTION OF THE TICKET THAT REPRESENTS A  
26 SERVICE CHARGE, OR ANY OTHER FEE OR SURCHARGE FOR THE PURCHASE,  
27 IN A CLEAR AND CONSPICUOUS MANNER;

1 (h) MAKES A FALSE OR MISLEADING DISCLOSURE OF SUBTOTALS,  
2 FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL PRICE OF A  
3 TICKET OR PRESENTS SUBTOTALS, FEES, CHARGES, OR OTHER COMPONENTS  
4 OF THE TOTAL PRICE OF THE TICKET LESS PROMINENTLY OR IN A FONT SIZE  
5 THAT IS SMALLER THAN THE FONT SIZE USED TO PRESENT THE TOTAL PRICE  
6 OF THE TICKET;

7 (i) INCREASES THE PRICE OF A TICKET AFTER A PURCHASER HAS  
8 SELECTED A TICKET FOR PURCHASE; EXCEPT THAT THE PERSON MAY ADD  
9 FEES FOR THE DELIVERY OF NONELECTRONIC TICKETS, THE AMOUNT OF  
10 WHICH IS BASED UPON THE DELIVERY METHOD SELECTED BY THE  
11 PURCHASER, SO LONG AS THE PERSON DISCLOSES THE AMOUNT OF THE  
12 DELIVERY FEES PRIOR TO ACCEPTING PAYMENT; OR

13 (j) ADVERTISES, OFFERS FOR SALE, OR CONTRACTS FOR THE RESALE  
14 OF A TICKET OR ACCEPTS FULL OR PARTIAL CONSIDERATION FOR THE  
15 RESALE OF A TICKET, UNLESS:

16 (I) THE TICKET CONFORMS TO ITS DESCRIPTION AS ADVERTISED;

17 (II) (A) THE PERSON HAS POSSESSION OR CONSTRUCTIVE  
18 POSSESSION OF THE TICKET; OR

19 (B) THE PERSON HAS A WRITTEN CONTRACT TO OBTAIN THE TICKET  
20 AT A CERTAIN PRICE FROM THE RIGHTS HOLDER OF THE TICKET; AND

21 (III) THE RIGHTS HOLDER:

22 (A) HAS MADE THE TICKET AVAILABLE TO THE PUBLIC, INCLUDING  
23 THROUGH A PRESALE, FAN CLUB PRESALE, OR ANY OTHER PROMOTIONAL  
24 PRESALE EVENT; OR

25 (B) HAS OTHERWISE PROVIDED PERMISSION TO THE PERSON TO  
26 ADVERTISE, OFFER FOR SALE, OR CONTRACT FOR THE RESALE OF A TICKET  
27 OR TO ACCEPT FULL OR PARTIAL CONSIDERATION FOR THE RESALE OF A

1 TICKET.

2 (2) As used in this section, unless the context otherwise requires:

3 (a) ~~"In excess of authorized limits", with regard to an online~~  
4 ~~purchase of tickets, means exceeding a restriction on the number of~~  
5 ~~individual tickets that can be purchased by any single person or~~  
6 ~~circumventing any other terms and conditions of access to an online event~~  
7 ~~ticket sale established by the event sponsor or promoter.~~

8 (b) "Online event ticket sale" means an electronic system utilized  
9 by the OPERATOR, sponsor, or ~~promoter~~ RIGHTS HOLDER of a sporting or  
10 entertainment event to sell tickets to such event to the public over the  
11 internet.

12 (c) "OPERATOR" HAS THE SAME MEANING AS SET FORTH IN  
13 SECTION 6-1-718 (1)(a).

14 (d) "PLACE OF ENTERTAINMENT" HAS THE SAME MEANING AS SET  
15 FORTH IN SECTION 6-1-718 (1)(c).

16 (e) "PRIMARY TICKET SELLER" HAS THE SAME MEANING SET FORTH  
17 IN SECTION 6-1-718 (1)(c.5).

18 (f) "RESELLER" HAS THE SAME MEANING SET FORTH IN SECTION  
19 6-1-718 (1)(f).

20 (g) "RIGHTS HOLDER" HAS THE SAME MEANING AS SET FORTH IN  
21 SECTION 6-1-718 (1)(g).

22 (h) "TICKET" HAS THE SAME MEANING AS SET FORTH IN SECTION  
23 6-1-718 (1)(h).

24 (i) "URL" MEANS THE UNIFORM RESOURCE LOCATOR ASSOCIATED  
25 WITH AN INTERNET WEBSITE.

26 (3) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, this  
27 section ~~shall~~ DOES not prohibit the resale of tickets in a secondary market



1 by a person other than the event OPERATOR, sponsor, or ~~promoter~~ RIGHTS  
2 HOLDER.

3 (4) (a) Every ~~ticket~~ TRANSACTION IN WHICH ONE OR MORE TICKETS  
4 IS acquired OR SOLD in violation of this section ~~shall constitute~~  
5 CONSTITUTES a separate violation for purposes of assessing a civil penalty  
6 under section 6-1-112 (1)(a) and (1)(b) AND SUBSECTION (4)(b) OF THIS  
7 SECTION.

8 (b) NOTWITHSTANDING THE CIVIL PENALTIES SPECIFIED IN SECTION  
9 6-1-112 (1)(a) AND (1)(b):

10 (I) THE CIVIL PENALTY FOR A VIOLATION OF THIS SECTION IS AS  
11 FOLLOWS:

12 (A) A FINE IN AN AMOUNT OF AT LEAST TEN THOUSAND DOLLARS  
13 BUT NOT MORE THAN TWENTY THOUSAND DOLLARS FOR A FIRST  
14 VIOLATION;

15 (B) A FINE IN AN AMOUNT OF AT LEAST TWENTY-FIVE THOUSAND  
16 DOLLARS BUT NOT MORE THAN FIFTY THOUSAND DOLLARS FOR A SECOND  
17 VIOLATION;

18 (C) A FINE IN AN AMOUNT OF AT LEAST ONE HUNDRED THOUSAND  
19 DOLLARS BUT NOT MORE THAN TWO HUNDRED THOUSAND DOLLARS FOR  
20 A THIRD VIOLATION; AND

21 (D) A FINE IN AN AMOUNT OF AT LEAST ONE MILLION DOLLARS BUT  
22 NOT MORE THAN TWO MILLION DOLLARS FOR A FOURTH OR SUBSEQUENT  
23 VIOLATION.

24 (II) THE CIVIL PENALTY FOR A VIOLATION OF A COURT ORDER OR  
25 INJUNCTION ISSUED TO ENFORCE THIS SECTION SHALL NOT EXCEED ONE  
26 HUNDRED THOUSAND DOLLARS FOR EACH VIOLATION.

27 (5) (a) THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY MAY

1 BRING AN ACTION ON BEHALF OF THE STATE AGAINST ANY PERSON:  
2 (I) FOR A VIOLATION OF THIS SECTION OR SECTION 6-1-718; OR  
3 (II) FOR A VIOLATION OF THIS SECTION OR SECTION 6-1-718 IN  
4 CONNECTION WITH A CIVIL ACTION BROUGHT BY AN OPERATOR OR RIGHTS  
5 HOLDER PURSUANT TO THIS SUBSECTION (5) OF THIS SECTION AND SECTION  
6 6-1-113.  
7 (b) AN OPERATOR OR RIGHTS HOLDER MAY BRING A CIVIL ACTION  
8 PURSUANT TO SECTION 6-1-113 IN A COURT OF COMPETENT JURISDICTION  
9 AGAINST ANOTHER PERSON FOR A VIOLATION OF THIS SECTION OR SECTION  
10 6-1-718.  
11 (c) (I) AN OPERATOR OR RIGHTS HOLDER THAT BRINGS A PRIVATE  
12 ACTION AGAINST ANOTHER PERSON SHALL SERVE, PURSUANT TO RULE 4 OF  
13 THE COLORADO RULES OF CIVIL PROCEDURE, THE ATTORNEY GENERAL  
14 AND THE DISTRICT ATTORNEY OF THE DISTRICT IN WHICH THE CLAIM WAS  
15 FILED A COPY OF THE COMPLAINT AND WRITTEN DISCLOSURE OF  
16 SUBSTANTIALLY ALL MATERIAL EVIDENCE AND INFORMATION THE PERSON  
17 POSSESSES.  
18 (II) THE COMPLAINT MUST BE FILED WITH THE COURT IN CAMERA,  
19 MUST REMAIN UNDER SEAL FOR AT LEAST SIXTY-THREE DAYS, AND MUST  
20 NOT BE SERVED ON THE DEFENDANT UNTIL THE COURT SO ORDERS.  
21 (III) THE DEFENDANT IS NOT REQUIRED TO RESPOND TO ANY  
22 COMPLAINT FILED PURSUANT TO THIS SECTION UNTIL TWENTY-ONE DAYS  
23 AFTER THE COMPLAINT IS UNSEALED AND SERVED UPON THE DEFENDANT  
24 PURSUANT TO RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE.  
25 (d) (I) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY  
26 ELECT TO INTERVENE AND PROCEED WITH THE ACTION ON BEHALF OF THE  
27 STATE WITHIN SIXTY-THREE DAYS AFTER IT RECEIVES BOTH THE

1 COMPLAINT AND THE MATERIAL EVIDENCE AND INFORMATION RELATED TO  
2 THE CLAIM.

3 (II) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY, FOR  
4 GOOD CAUSE SHOWN, MOVE THE COURT FOR AN EXTENSION OF TIME,  
5 DURING WHICH THE COMPLAINT REMAINS UNDER SEAL PURSUANT TO  
6 SUBSECTION (5)(c)(II) OF THIS SECTION. THE MOTION MAY BE SUPPORTED  
7 BY AFFIDAVITS OR OTHER SUBMISSIONS IN CAMERA.

8 (e) BEFORE THE EXPIRATION OF THE SIXTY-THREE-DAY PERIOD  
9 AND ANY EXTENSIONS GRANTED PURSUANT TO SUBSECTION (5)(d)(II) OF  
10 THIS SECTION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL:

11 (I) PROCEED WITH THE ACTION ON BEHALF OF THE STATE, IN WHICH  
12 CASE THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL CONDUCT  
13 THE ACTION; OR

14 (II) NOTIFY THE COURT THAT IT DECLINES TO TAKE OVER THE  
15 ACTION, IN WHICH CASE THE OPERATOR OR RIGHTS HOLDER THAT  
16 BROUGHT THE ACTION HAS THE RIGHT TO CONTINUE THE ACTION.

17 (f) (I) IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY DECIDES  
18 TO PROCEED WITH AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION  
19 (5), THE ATTORNEY GENERAL OR DISTRICT ATTORNEY HAS PRIMARY  
20 RESPONSIBILITY FOR PROSECUTING THE ACTION AND IS NOT BOUND BY AN  
21 ACT OF THE OPERATOR OR RIGHTS HOLDER THAT BROUGHT THE ACTION.

22 (II) THE OPERATOR OR RIGHTS HOLDER THAT BROUGHT THE  
23 ACTION HAS THE RIGHT TO CONTINUE AS A PARTY TO THE ACTION, SUBJECT  
24 TO ANY LIMITATIONS SET BY THE COURT.

25 (III) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY, AT ANY  
26 TIME, MAY DISMISS THE ACTION, IN WHOLE OR IN PART, NOTWITHSTANDING  
27 THE OBJECTIONS OF THE OPERATOR OR RIGHTS HOLDER THAT BROUGHT

1 THE ACTION, AS LONG AS THE OPERATOR OR RIGHTS HOLDER HAS BEEN  
2 NOTIFIED OF THE MOTION TO DISMISS AND THE COURT HAS PROVIDED THE  
3 OPERATOR OR RIGHTS HOLDER WITH AN OPPORTUNITY FOR A HEARING ON  
4 THE MOTION.

5 (IV) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY  
6 SETTLE THE ACTION WITH THE DEFENDANT, NOTWITHSTANDING THE  
7 OBJECTIONS OF THE OPERATOR OR RIGHTS HOLDER THAT BROUGHT THE  
8 ACTION, IF THE COURT DETERMINES, AFTER A HEARING, THAT THE  
9 PROPOSED SETTLEMENT IS FAIR, ADEQUATE, AND REASONABLE UNDER ALL  
10 THE CIRCUMSTANCES.

11 (g) IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY PROCEEDS  
12 WITH AN ACTION BROUGHT PURSUANT TO THIS SECTION OR SECTION  
13 6-1-718 AND THE COURT DETERMINES THAT THE DEFENDANT HAS  
14 VIOLATED THIS SECTION OR SECTION 6-1-718, THE COURT:

15 (I) SHALL IMPOSE CIVIL PENALTIES PURSUANT TO SUBSECTION  
16 (4)(b) OF THIS SECTION, FOR A VIOLATION OF THIS SECTION, OR CIVIL  
17 PENALTIES IN ACCORDANCE WITH SECTION 6-1-112, FOR A VIOLATION OF  
18 SECTION 6-1-718; AND

19 (II) MAY AWARD DAMAGES IN ACCORDANCE WITH SECTION  
20 6-1-113 TO THE OPERATOR OR RIGHTS HOLDER THAT BROUGHT THE  
21 ACTION.

22 **SECTION 3. Applicability.** This act applies to conduct occurring  
23 on or after the effective date of this act.

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