

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0660.01 Christy Chase

HOUSE BILL 11-1195

HOUSE SPONSORSHIP

Gardner B., Ryden

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE VOLUNTARY LICENSURE OF PRIVATE**
102 **INVESTIGATORS.**

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://www.leg.state.co.us/billsummaries>.)

The bill permits a private investigator in Colorado to obtain a voluntary license from the director of the division of registrations in the department of regulatory agencies (director) if the private investigator:

- ! Is at least 21 years of age;
- ! Is lawfully present in the United States;

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.

- ! Has not been convicted of a felony or, within the previous 10 years, of a class 1 misdemeanor;
- ! Has at least 4,000 hours of verifiable, applicable experience as a private investigator within the previous 5 years or 2,000 hours of experience plus an amount of education as determined by the director;
- ! Has knowledge and understanding of the laws affecting the activities of licensed private investigators in this state, as attested to in a sworn, notarized affidavit submitted to the director with the application;
- ! Obtains a fingerprint-based criminal history record check;
- ! Pays the required fee; and
- ! Submits a current photograph and any applicable business registration documentation.

A private investigator who does not obtain a license is prohibited from holding himself or herself out as, or using the title of, "licensed private investigator".

The bill grants a licensed private investigator access to the following records, unredacted by the custodians of the records:

- ! State, county, and municipal court records pertaining to criminal, civil, and domestic cases;
- ! Records in the custody of a county clerk and recorder, including real and personal property records, voter records, marriage records, and motor vehicle records;
- ! Records of or in the custody of a county tax assessor;
- ! Records in the custody of the state registrar of vital statistics, including records of birth, death, marriage, and divorce;
- ! Records in the custody of the secretary of state, including voter records; corporate or business filings; "Uniform Commercial Code" filings; bingo, raffle, and notary public filings; and lobbyist filings;
- ! Law enforcement records other than those records pertaining to ongoing or active law enforcement investigations; and
- ! State and local government records relating to professional, occupational, or business licenses, registrations, or certifications.

The bill requires the department of revenue to establish procedures for a licensed private investigator seeking access to motor vehicle records to work with department personnel to identify specific motor vehicle records for disclosure to the licensed private investigator for a permitted use. Additionally, custodians of records are not required to release a person's social security number to a licensed private investigator unless otherwise required by law or court order.

The functions of the director pertaining to the licensure of private investigators is subject to sunset review and repeal on September 1, 2016.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 58.5**

5 **Private Investigators**

6 **12-58.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "PRIVATE INVESTIGATORS VOLUNTARY LICENSURE
8 ACT".

9 **12-58.5-102. Legislative declaration.** THE GENERAL ASSEMBLY
10 HEREBY FINDS THAT IN ORDER TO PROTECT THE CITIZENS OF THE STATE
11 AND ALLOW PRIVATE INVESTIGATORS ACCESS TO PUBLIC RECORDS, IT IS
12 IMPORTANT TO CREATE A LICENSURE PROGRAM TO ALLOW QUALIFIED
13 PRIVATE INVESTIGATORS, AT THEIR OPTION, TO OBTAIN A STATE-ISSUED
14 LICENSE TO CONDUCT PRIVATE INVESTIGATIONS.

15 **12-58.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "APPLICANT" MEANS A PRIVATE INVESTIGATOR WHO APPLIES
18 FOR AN INITIAL OR RENEWAL LICENSE PURSUANT TO THIS ARTICLE.

19 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

20 (3) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
21 DEPARTMENT OF REGULATORY AGENCIES.

22 (4) "LICENSED PRIVATE INVESTIGATOR" MEANS A PRIVATE
23 INVESTIGATOR LICENSED BY THE DIRECTOR PURSUANT TO THIS ARTICLE.

24 (5) "PRIVATE INVESTIGATION" MEANS AN INVESTIGATION FOR THE
25 PURPOSE OF OBTAINING INFORMATION PERTAINING TO:

1 (a) A CRIME, WRONGFUL ACT, OR THREAT AGAINST THE UNITED
2 STATES OR ANY STATE OR TERRITORY OF THE UNITED STATES;

3 (b) THE IDENTITY, REPUTATION, CHARACTER, HABITS, CONDUCT,
4 BUSINESS OCCUPATION, HONESTY, INTEGRITY, CREDIBILITY, KNOWLEDGE,
5 TRUSTWORTHINESS, EFFICIENCY, LOYALTY, ACTIVITY, MOVEMENTS,
6 WHEREABOUTS, AFFILIATIONS, ASSOCIATIONS, OR TRANSACTIONS OF A
7 PERSON OR GROUP OF PERSONS;

8 (c) THE CREDIBILITY OF WITNESSES OR OTHER PERSONS;

9 (d) THE WHEREABOUTS OF MISSING PERSONS;

10 (e) DETERMINE THE OWNERS OF ABANDONED PROPERTY;

11 (f) THE CAUSES AND ORIGIN OF, OR RESPONSIBILITY FOR, A FIRE,
12 LIBEL, SLANDER, A LOSS, AN ACCIDENT, DAMAGE, OR AN INJURY TO A
13 PERSON OR TO REAL OR PERSONAL PROPERTY;

14 (g) THE BUSINESS OF SECURING EVIDENCE TO BE USED BEFORE AN
15 INVESTIGATORY COMMITTEE OR BOARD OF AWARD OR ARBITRATION OR IN
16 THE PREPARATION FOR OR IN A CIVIL OR CRIMINAL TRIAL;

17 (h) THE BUSINESS OF LOCATING PERSONS WHO HAVE BECOME
18 DELINQUENT IN THEIR LAWFUL DEBTS, EITHER WHEN HIRED BY AN
19 INDIVIDUAL OR COLLECTION AGENCY OR THROUGH DIRECT PURCHASE OF
20 THE DEBT FROM A FINANCIAL INSTITUTION OR ENTITY OWNING THE DEBT
21 OR JUDGMENT.

22 (6) (a) "PRIVATE INVESTIGATOR" MEANS A PERSON WHO, FOR
23 CONSIDERATION, ENGAGES IN BUSINESS OR ACCEPTS EMPLOYMENT TO
24 CONDUCT PRIVATE INVESTIGATIONS.

25 (b) "PRIVATE INVESTIGATOR" DOES NOT INCLUDE:

26 (I) A COLLECTION AGENCY;

27 (II) A PERSON CONDUCTING AN INVESTIGATION ON THE PERSON'S

1 OWN BEHALF, OR AN EMPLOYEE CONDUCTING AN INVESTIGATION ON
2 BEHALF OF THE EMPLOYER;

3 (III) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF AN
4 ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE;

5 (IV) A CERTIFIED PEACE OFFICER OF A LAW ENFORCEMENT
6 AGENCY OPERATING IN HIS OR HER OFFICIAL CAPACITY;

7 (V) A JOURNALIST OR GENEALOGIST; OR

8 (VI) A PERSON SERVING PROCESS.

9 **12-58.5-104. Voluntary license - title protection - penalty.**

10 (1) (a) BY JULY 1, 2012, A PRIVATE INVESTIGATOR CONDUCTING PRIVATE
11 INVESTIGATIONS IN THIS STATE WHO MEETS THE REQUIREMENTS OF
12 SECTION 12-58.5-105 MAY OBTAIN A LICENSE FROM THE DIRECTOR. ONLY
13 A PRIVATE INVESTIGATOR WHO OBTAINS A LICENSE PURSUANT TO SECTION
14 12-58.5-105 SHALL HOLD HIMSELF OR HERSELF OUT AS, OR USE THE TITLE
15 OF, A "LICENSED PRIVATE INVESTIGATOR".

16 (b) NOTHING IN THIS ARTICLE REQUIRES A PRIVATE INVESTIGATOR
17 ENGAGING IN PRIVATE INVESTIGATIONS IN THIS STATE TO OBTAIN A
18 LICENSE UNDER THIS ARTICLE, BUT A PRIVATE INVESTIGATOR WHO IS NOT
19 SO LICENSED SHALL NOT REFER TO HIMSELF OR HERSELF AS A "LICENSED
20 PRIVATE INVESTIGATOR".

21 (2) ANY PERSON WHO HOLDS HIMSELF OR HERSELF OUT AS OR USES
22 THE TITLE "LICENSED PRIVATE INVESTIGATOR" WITHOUT AN ACTIVE
23 LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR
24 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR
25 THE FIRST OFFENSE, AND, FOR THE SECOND OR ANY SUBSEQUENT OFFENSE,
26 COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
27 IN SECTION 18-1.3-501, C.R.S.

1 **12-58.5-105. Private investigator voluntary license -**
2 **qualifications - fees - renewal.** (1) UPON APPLICATION IN THE FORM

3 AND MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED
4 FEE, SUBMISSION OF A CURRENT PHOTOGRAPH OF THE APPLICANT AND
5 BUSINESS REGISTRATION DOCUMENTATION AS REQUIRED BY SUBSECTION
6 (3) OF THIS SECTION, AND SATISFACTION OF THE REQUIREMENTS OF
7 SUBSECTION (2) OF THIS SECTION, THE DIRECTOR SHALL ISSUE AN INITIAL
8 OR RENEWAL LICENSE TO AN APPLICANT WHO PROVIDES EVIDENCE
9 SATISFACTORY TO THE DIRECTOR THAT HE OR SHE:

10 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

11 (b) IS LAWFULLY PRESENT IN THE UNITED STATES;

12 (c) HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NOLO
13 CONTENDERE TO A FELONY OR, WITHIN THE TEN YEARS IMMEDIATELY
14 PRECEDING THE DATE OF APPLICATION, A CLASS 1 MISDEMEANOR;

15 (d) (I) HAS AT LEAST FOUR THOUSAND HOURS OF VERIFIABLE,
16 APPLICABLE EXPERIENCE, AS DETERMINED BY THE DIRECTOR WITHIN THE
17 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; OR

18 (II) HAS AT LEAST TWO THOUSAND HOURS OF VERIFIABLE,
19 APPLICABLE EXPERIENCE, AS DETERMINED BY THE DIRECTOR, WITHIN THE
20 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION PLUS AN
21 AMOUNT OF POSTSECONDARY EDUCATION DETERMINED BY THE DIRECTOR;
22 AND

23 (e) HAS KNOWLEDGE AND UNDERSTANDING OF THE STATUTES AND
24 RULES AFFECTING THE ACTIVITIES OF LICENSED PRIVATE INVESTIGATORS
25 IN THIS STATE, AS ATTESTED TO IN A SWORN, NOTARIZED AFFIDAVIT
26 SUBMITTED TO THE DIRECTOR WITH THE APPLICATION.

27 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS

1 SECTION, EACH LICENSE APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS
2 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF
3 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
4 THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
5 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
6 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
7 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
8 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
9 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
11 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
12 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
13 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

14 (3) IF AN APPLICANT HAS REGISTERED AS A BUSINESS ENTITY WITH
15 THE SECRETARY OF STATE, AT THE TIME OF APPLICATION FOR A LICENSE
16 THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE DIRECTOR THAT
17 THE APPLICANT'S BUSINESS REGISTRATION IS CURRENT AND IN GOOD
18 STANDING WITH THE SECRETARY OF STATE.

19 (4) AN APPLICANT FOR LICENSURE SHALL PAY LICENSE, RENEWAL,
20 AND REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR PURSUANT TO
21 SECTION 24-34-105, C.R.S. ALL LICENSES SHALL BE RENEWED OR
22 REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR
23 AND PURSUANT TO SECTION 24-34-102 (8), C.R.S. IF A PERSON FAILS TO
24 RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY
25 THE DIRECTOR, THE LICENSE EXPIRES AND THE PERSON SHALL NOT HOLD
26 HIMSELF OR HERSELF OUT AS A LICENSED PRIVATE INVESTIGATOR UNTIL HE
27 OR SHE PAYS THE APPROPRIATE FEES TO REINSTATE THE LICENSE.

1 **12-58.5-106. Access to records by licensed private**

2 **investigators.** (1) A LICENSED PRIVATE INVESTIGATOR SHALL HAVE
3 ACCESS TO THE FOLLOWING RECORDS, UNREDACTED BY THE CUSTODIAN,
4 UNLESS OTHERWISE PROHIBITED BY LAW:

5 (a) STATE, COUNTY, AND MUNICIPAL COURT RECORDS, INCLUDING
6 RECORDS OF CRIMINAL, CIVIL, AND DOMESTIC CASES, EXCEPT THOSE
7 SEALED BY THE COURT;

8 (b) RECORDS IN THE CUSTODY OF A COUNTY CLERK AND
9 RECORDER, INCLUDING REAL AND PERSONAL PROPERTY RECORDS, VOTER
10 RECORDS, MARRIAGE RECORDS INCLUDING RECORDS OF MARRIAGE
11 CERTIFICATE APPLICATIONS, AND MOTOR VEHICLE RECORDS;

12 (c) RECORDS OF OR IN THE CUSTODY OF A COUNTY TAX ASSESSOR,
13 INCLUDING PROPERTY RECORDS AND ASSESSMENT RECORDS;

14 (d) RECORDS IN THE CUSTODY OF THE STATE REGISTRAR OF VITAL
15 STATISTICS, INCLUDING RECORDS OF BIRTH, DEATH, MARRIAGE, AND
16 DIVORCE;

17 (e) RECORDS IN THE CUSTODY OF THE SECRETARY OF STATE,
18 INCLUDING VOTER RECORDS; CORPORATE OR BUSINESS FILINGS; FILINGS
19 MADE UNDER THE "UNIFORM COMMERCIAL CODE"; BINGO, RAFFLE, AND
20 NOTARY PUBLIC FILINGS; AND LOBBYIST FILINGS;

21 (f) LAW ENFORCEMENT RECORDS OTHER THAN THOSE RECORDS
22 PERTAINING TO ONGOING OR ACTIVE LAW ENFORCEMENT INVESTIGATIONS;
23 AND

24 (g) STATE AND LOCAL GOVERNMENT RECORDS RELATING TO
25 PROFESSIONAL, OCCUPATIONAL, OR BUSINESS LICENSES, REGISTRATIONS,
26 OR CERTIFICATIONS.

27 (2) THE DEPARTMENT OF REVENUE SHALL ESTABLISH PROCEDURES

1 FOR A LICENSED PRIVATE INVESTIGATOR SEEKING ACCESS TO MOTOR
2 VEHICLE RECORDS TO WORK WITH DEPARTMENT PERSONNEL TO IDENTIFY
3 SPECIFIC MOTOR VEHICLE RECORDS FOR DISCLOSURE TO THE LICENSED
4 PRIVATE INVESTIGATOR FOR A PERMITTED USE.

5 (3) NOTHING IN THIS SECTION REQUIRES A CUSTODIAN OF RECORDS
6 TO RELEASE A PERSON'S SOCIAL SECURITY NUMBER TO A LICENSED
7 PRIVATE INVESTIGATOR UNLESS REQUIRED BY LAW OR COURT ORDER.

8 **12-58.5-107. Director may promulgate rules.** IN ADDITION TO
9 ALL OTHER POWERS AND DUTIES CONFERRED OR IMPOSED UPON THE
10 DIRECTOR BY THIS ARTICLE OR BY ANY OTHER LAW, THE DIRECTOR MAY
11 PROMULGATE RULES PURSUANT TO SECTION 24-4-103, C.R.S., TO
12 IMPLEMENT THIS ARTICLE.

13 **12-58.5-108. Disciplinary actions - grounds for discipline.**

14 (1) THE DIRECTOR MAY DENY, SUSPEND, REVOKE, OR PLACE ON
15 PROBATION A PRIVATE INVESTIGATOR'S LICENSE IF THE APPLICANT:

16 (a) VIOLATES ANY ORDER OF THE DIRECTOR OR ANY PROVISION OF
17 THIS ARTICLE OR OF RULES ESTABLISHED UNDER THIS ARTICLE;

18 (b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-58.5-105 OR
19 USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR
20 ATTEMPTING TO APPLY FOR A LICENSE;

21 (c) IS CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO
22 CONTENDERE TO A FELONY; EXCEPT THAT THE DIRECTOR SHALL BE
23 GOVERNED BY THE PROVISIONS OF SECTION 24-5-101, C.R.S., IN
24 CONSIDERING THE CONVICTION OR PLEA;

25 (d) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE
26 OF PRIVATE INVESTIGATIONS IN ANOTHER JURISDICTION. EVIDENCE OF
27 DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE

1 FOR DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE
2 VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE.

3 (2) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,
4 SUSPEND, OR REVOKE A LICENSE OR PLACE A PRIVATE INVESTIGATOR ON
5 PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
6 C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE LAW JUDGE
7 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
8 HEARINGS, AND THE ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE
9 HEARINGS IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
10 C.R.S. ANY PERSON WHOSE LICENSE IS DENIED, SUSPENDED, PLACED ON
11 PROBATION, OR REVOKED SHALL PAY FOR THE COSTS INCURRED IN
12 BRINGING AND CONDUCTING SUCH PROCEEDING. A FINAL DECISION OF THE
13 DIRECTOR OR THE ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL
14 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
15 C.R.S.

16 (3) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
17 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
18 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
19 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY
20 BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSED PRIVATE
21 INVESTIGATOR.

22 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
23 LICENSED PRIVATE INVESTIGATOR, THE DIRECTOR SHALL ADVISE THE
24 PRIVATE INVESTIGATOR THAT HE OR SHE HAS THE RIGHT TO REQUEST IN
25 WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT
26 FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE
27 PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS

1 BASED.

2 (c) IF THE LICENSED PRIVATE INVESTIGATOR TIMELY REQUESTS
3 ADJUDICATION, THE DIRECTOR SHALL VACATE THE LETTER OF
4 ADMONITION AND PROCESS THE MATTER BY MEANS OF FORMAL
5 DISCIPLINARY PROCEEDINGS.

6 (4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
7 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
8 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
9 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
10 POSSIBLE ERRANT CONDUCT BY THE LICENSED PRIVATE INVESTIGATOR
11 THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE
12 DIRECTOR MAY SEND THE LICENSED PRIVATE INVESTIGATOR A
13 CONFIDENTIAL LETTER OF CONCERN.

14 (5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
15 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
16 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
17 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
18 PROSECUTION.

19 **12-58.5-109. Immunity.** THE DIRECTOR, THE DIRECTOR'S STAFF,
20 ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR,
21 ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS
22 ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS
23 ARTICLE IS IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT
24 AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER
25 CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY,
26 IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS
27 OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN

1 THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN
2 THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
3 WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH
4 IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR
5 ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE IS IMMUNE
6 FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM THAT
7 PARTICIPATION.

8 **12-58.5-110. Fees - cash fund.** THE DIVISION SHALL TRANSMIT
9 ALL FEES COLLECTED PURSUANT TO THIS ARTICLE TO THE STATE
10 TREASURER, WHO SHALL CREDIT THE FEES TO THE DIVISION OF
11 REGISTRATIONS CASH FUND CREATED PURSUANT TO SECTION 24-34-105
12 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
13 APPROPRIATIONS FROM THE DIVISION OF REGISTRATIONS CASH FUND FOR
14 EXPENDITURES OF THE DIVISION INCURRED IN THE PERFORMANCE OF ITS
15 DUTIES UNDER THIS ARTICLE.

16 **12-58.5-111. Repeal of article - review of functions.** THIS
17 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016. PRIOR TO ITS
18 REPEAL, THE POWERS, DUTIES, AND FUNCTIONS OF THE DIRECTOR
19 REGARDING THE LICENSURE OF PRIVATE INVESTIGATORS AS SPECIFIED IN
20 THIS ARTICLE SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104,
21 C.R.S.

22 **SECTION 2.** 24-34-104 (47.5), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **24-34-104. General assembly review of regulatory agencies**
25 **and functions for termination, continuation, or reestablishment.**

26 (47.5) The following agencies, functions, or both, shall terminate on
27 September 1, 2016:

1 (c) THE VOLUNTARY LICENSING OF PRIVATE INVESTIGATORS BY
2 THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN ACCORDANCE WITH
3 ARTICLE 58.5 OF TITLE 12, C.R.S.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2012 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor.