

SB054_L.003

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Business, Labor and Technology.

After consideration on the merits, the Committee recommends the following:

SB09-054 be amended as follows:

1 Amend printed bill, page 2, line 2, strike "6-1-112 (1)," and substitute
2 "6-1-112,";

3 strike lines 4 through 11 and substitute the following:

4 **"6-1-112. Civil penalties.** (1) ~~Any person who violates or causes~~
5 ~~another to violate any provision of this article shall forfeit and pay to the~~
6 ~~general fund of this state a civil penalty of not more than two thousand~~
7 ~~dollars for each such violation. For purposes of this subsection (1), a~~
8 ~~violation of any provision shall constitute a separate violation with~~
9 ~~respect to each consumer or transaction involved, except that the~~
10 ~~maximum civil penalty shall not exceed one hundred thousand dollars for~~
11 ~~any related series of violations. THE ATTORNEY GENERAL OR A DISTRICT~~
12 ~~ATTORNEY MAY BRING A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK~~
13 ~~THE IMPOSITION OF CIVIL PENALTIES AS FOLLOWS:~~

14 (a) ANY PERSON WHO VIOLATES OR CAUSES ANOTHER TO VIOLATE
15 ANY PROVISION OF THIS ARTICLE SHALL FORFEIT AND PAY TO THE GENERAL
16 FUND OF THIS STATE A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND
17 DOLLARS FOR EACH SUCH VIOLATION. FOR PURPOSES OF THIS PARAGRAPH
18 (a), A VIOLATION OF ANY PROVISION SHALL CONSTITUTE A SEPARATE
19 VIOLATION WITH RESPECT TO EACH CONSUMER OR TRANSACTION
20 INVOLVED; EXCEPT THAT THE MAXIMUM CIVIL PENALTY SHALL NOT
21 EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR ANY RELATED SERIES OF
22 VIOLATIONS.



1 (2) (b) Any person who violates or causes another to violate any
2 court order or injunction issued pursuant to this article shall forfeit and
3 pay to the general fund of this state a civil penalty of not more than ten
4 thousand dollars for each such violation. For the purposes of this section,
5 the court issuing the order or injunction shall retain jurisdiction, and the
6 cause shall be continued. Upon violation, the attorney general or a
7 district attorney may petition the court for the recovery of the civil
8 penalty. Such civil penalty shall be in addition to any other penalty or
9 remedy available for the enforcement of the provisions of this article and
10 any court order or injunction.

11 (3) (c) Any person who violates or causes another to violate any
12 provision of this article, where such violation was committed against an
13 elderly person, shall forfeit and pay to the general fund of the state a civil
14 penalty of not more than ten thousand dollars for each such violation. For
15 purposes of this subsection ~~(3)~~ PARAGRAPH (c), a violation of any
16 provision of this article shall constitute a separate violation with respect
17 to each elderly person involved.";

18 after line 23, insert the following:

19 "SECTION 3. 6-1-720 (4), Colorado Revised Statutes, is
20 amended to read:

21 **6-1-720. Deceptive trade practice - on-line event ticket sales.**
22 (4) Every ticket acquired in violation of this section shall constitute a
23 separate violation for purposes of assessing a civil penalty under section
24 6-1-112 ~~(1)~~ and ~~(2)~~ (1) (a) AND (1) (b)."

25 Renumber succeeding section accordingly.

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