

NOTE: The governor signed this measure on 3/27/2014.

An Act

HOUSE BILL 14-1125

BY REPRESENTATIVE(S) Mitsch Bush, Holbert, Hulinghorst, Labuda, Schafer, Williams;
also SENATOR(S) Balmer.

CONCERNING THE CIRCUMSTANCES UNDER WHICH A UNIT OWNERS' ASSOCIATION MAY DISCLOSE CONTACT INFORMATION FOR MEMBERS AND RESIDENTS UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

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

SECTION 1. In Colorado Revised Statutes, 38-33.3-317, **amend** (3.5) as follows:

38-33.3-317. Association records. (3.5) Records maintained by an association are not subject to inspection and copying, and THEY must be withheld, to the extent that they are or concern:

(a) Personnel, salary, or medical records relating to specific individuals; or

(b) (I) Personal identification and account information of members AND RESIDENTS, including bank account information, telephone numbers,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

electronic mail addresses, driver's license numbers, and social security numbers; EXCEPT THAT, NOTWITHSTANDING SECTION 38-33.3-104, A MEMBER OR RESIDENT MAY PROVIDE THE ASSOCIATION WITH PRIOR WRITTEN CONSENT TO THE DISCLOSURE OF, AND THE ASSOCIATION MAY PUBLISH TO OTHER MEMBERS AND RESIDENTS, THE PERSON'S TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, OR BOTH. THE WRITTEN CONSENT MUST BE KEPT AS A RECORD OF THE ASSOCIATION AND REMAINS VALID UNTIL THE PERSON WITHDRAWS IT BY PROVIDING THE ASSOCIATION WITH A WRITTEN NOTICE OF WITHDRAWAL OF THE CONSENT. IF A PERSON WITHDRAWS HIS OR HER CONSENT, THE ASSOCIATION IS UNDER NO OBLIGATION TO CHANGE, RETRIEVE, OR DESTROY ANY DOCUMENT OR RECORD PUBLISHED PRIOR TO THE NOTICE OF WITHDRAWAL.

(II) AS USED IN THIS PARAGRAPH (b), WRITTEN CONSENT AND NOTICE OF WITHDRAWAL OF THE CONSENT MAY BE GIVEN BY MEANS OF A "RECORD", AS DEFINED IN THE "UNIFORM ELECTRONIC TRANSACTIONS ACT", ARTICLE 71.3 OF TITLE 24, C.R.S., IF THE PARTIES SO AGREE IN ACCORDANCE WITH SECTION 24-71.3-105, C.R.S.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO