NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 15-171

BY SENATOR(S) Hill, Marble, Merrifield, Todd, Baumgardner, Cooke, Grantham, Holbert, Jahn, Kerr, Martinez Humenik, Scott;
also REPRESENTATIVE(S) Moreno, Fields, Salazar, Williams.

CONCERNING THE CONTINUATION OF THE "PRIVATE OCCUPATIONAL EDUCATION ACT OF 1981", AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2014 SUNSET REVIEW BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-59-128 as follows:

12-59-128. Repeal of article - review of functions. This article is repealed, effective September 1, ~~2015~~ 2024. Prior to such repeal, the department of regulatory agencies shall review the regulation of private occupational schools and their agents under this article, including the functions of the division and the board, in accordance with section 24-34-104, C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (46.5) (a); and **add** (55) (j) as follows:

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (46.5) The following agencies, functions, or both, shall terminate on September 1, 2015:

(a) ~~The regulation of private occupational schools and their agents under article 59 of title 12, C.R.S., including the functions of the private occupational school division created in section 12-59-104.1, C.R.S., and the private occupational school board created in section 12-59-105.1, C.R.S.~~

(55) The following agencies, functions, or both, terminate on September 1, 2024:

(j) THE REGULATION OF PRIVATE OCCUPATIONAL SCHOOLS AND THEIR AGENTS UNDER ARTICLE 59 OF TITLE 12, C.R.S., INCLUDING THE FUNCTIONS OF THE PRIVATE OCCUPATIONAL SCHOOL DIVISION CREATED IN SECTION 12-59-104.1, C.R.S., AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD CREATED IN SECTION 12-59-105.1, C.R.S.

SECTION 3. In Colorado Revised Statutes, 12-59-125, **amend** (1) and (3) as follows:

12-59-125. Enforcement - injunction - fines. (1) Whenever it appears to the board that any entity is or has been violating any of the provisions of this article or any of the lawful rules or orders of the board, the board, on its own motion or on the written complaint of any person, may apply for and obtain a temporary restraining order or injunction, or both, in the name of the board in any district court in this state against said entity for the purpose of restraining or enjoining such violation or for an order directing compliance with the provisions of this article and all rules and orders issued pursuant to this article. THE BOARD MAY ALSO ISSUE A CEASE-AND-DESIST ORDER PRIOR TO SEEKING COURT-ORDERED INJUNCTIVE RELIEF. It ~~shall~~ IS not ~~be~~ necessary that the board allege or prove that it has no adequate remedy at law. The right of injunction OR A CEASE-AND-DESIST ORDER provided FOR in this section ~~shall be~~ IS in addition to any other legal remedy which the board has and ~~shall be~~ IS in addition to any right of criminal prosecution provided by law. The existence of board action with respect to alleged violations of this article ~~shall not operate as~~ IS NOT a bar

to any action for injunctive relief pursuant to this section.

(3) In determining whether to impose a fine, ~~or to~~ seek a temporary restraining order or an injunction, OR ISSUE A CEASE-AND-DESIST ORDER, the board shall consider whether the entity has engaged in a pattern of noncompliance.

SECTION 4. In Colorado Revised Statutes, 12-59-116, **amend** (3) (b) as follows:

12-59-116. Fees - private occupational schools fund - annual adjustment. (3) (b) Based upon the appropriation made, ~~and subject to the approval of the Colorado commission on higher education,~~ the board shall adjust its fees so that the revenue generated from said fees approximates the direct and indirect costs of administering this article. The adjusted fees ~~shall~~ MUST remain in effect for the fiscal year for which the budget request applies.

SECTION 5. In Colorado Revised Statutes, **repeal** 12-59-105.5 as follows:

12-59-105.5. Occupational credentials for instructors of barbering and cosmetology. ~~The holder of a valid current Colorado license to practice as an instructor of barbering or cosmetology prior to November 1, 1990, shall be awarded a current occupational credential by the board as prescribed by the rules concerning private occupational schools promulgated pursuant to section 12-59-105.3 (1) (j). All persons awarded such occupational credential pursuant to this section shall meet the requirements of the board for renewal of the credential.~~

SECTION 6. In Colorado Revised Statutes, 12-59-119, **amend** (1) and (2) as follows:

12-59-119. Preservation of records. (1) In the event that a school located ~~within this state~~ IN COLORADO ceases operation, the owner or ~~such owner's~~ HIS OR HER authorized designee shall deposit with the ~~department of personnel~~ DIVISION the original or legible true copies of all educational, financial, or other records of ~~said~~ THE school.

(2) In the event that it appears to the board that any ~~such~~ records of

a school LOCATED IN COLORADO THAT IS ceasing operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the board, the board may seize and take possession of such records upon making application to any court of competent jurisdiction for an appropriate order. The board shall maintain or cause to be maintained in the ~~department of personnel~~ DIVISION a permanent file of any such records.

SECTION 7. In Colorado Revised Statutes, **amend** 12-59-121 as follows:

12-59-121. Violations - civil - penalty. The board may commence a civil action against any entity believed by the board to have violated the provisions of section 12-59-107 or who fails or refuses to deposit with the ~~department of personnel~~ DIVISION the records required by section 12-59-119. Upon a finding that ~~such~~ THE entity has violated the provisions of section 12-59-107 or has failed or refused to deposit with the ~~department of personnel~~ DIVISION the records required by section 12-59-119, the court shall order ~~such~~ THE entity to pay to the division a civil penalty not to exceed one hundred dollars for each violation. Each day's failure by an entity to comply with the provisions of said section ~~shall be~~ IS a separate violation.

SECTION 8. In Colorado Revised Statutes, **amend** 12-59-122 as follows:

12-59-122. Violations - criminal - penalty. Any person, group, or entity, or any owner, officer, agent, or employee thereof, who willfully violates the provisions of section 12-59-107 or who willfully fails or refuses to deposit with the ~~department of personnel~~ DIVISION the records required by section 12-59-119 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or ~~by both such fine and imprisonment~~ BOTH. It is the duty of the district attorney to prosecute all violations of this section ~~occurring~~ THAT OCCUR within his or her district.

SECTION 9. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Bill L. Cadman PRESIDENT OF THE SENATE	Dickey Lee Hullinghorst SPEAKER OF THE HOUSE OF REPRESENTATIVES
Cindi L. Markwell SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO