NOTE: The governor signed this measure on 3/8/2013.

HOUSE BILL 13-1041

BY REPRESENTATIVE(S) Pettersen, Court, Duran, Exum, Fields, Hamner, Hullinghorst, Kraft-Tharp, Melton, Mitsch Bush, Murray, Pabon, Rosenthal, Schafer, Tyler, Young;
also SENATOR(S) Kefalas, Heath, Nicholson.

CONCERNING PROCEDURES GOVERNING THE TRANSMISSION OF PUBLIC RECORDS THAT ARE COPIED IN RESPONSE TO A REQUEST FOR INSPECTION OF SUCH RECORDS UNDER THE "COLORADO OPEN RECORDS ACT".

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

SECTION 1. In Colorado Revised Statutes, 24-72-205, **amend** (1) as follows:

24-72-205. Copy, printout, or photograph of a public record. (1) (a) In all cases in which a person has the right to inspect a public record, the person may request a copy, printout, or photograph of the record. The custodian shall furnish a copy, printout, or photograph and may charge a fee determined in accordance with subsection (5) of this section; except that, when the custodian is the secretary of state, fees shall be determined and collected pursuant to section 24-21-104 (3), and when the custodian is the executive director of the department of personnel, fees shall be

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

determined and collected pursuant to section 24-80-102 (10). Where the fee for a certified copy or other copy, printout, or photograph of a record is specifically prescribed by law, the specific fee shall apply.

(b) UPON REQUEST FOR RECORDS TRANSMISSION BY A PERSON SEEKING A COPY OF ANY PUBLIC RECORD, THE CUSTODIAN SHALL TRANSMIT A COPY OF THE RECORD BY UNITED STATES MAIL, OTHER DELIVERY SERVICE, FACSIMILE, OR ELECTRONIC MAIL. NO TRANSMISSION FEES MAY BE CHARGED TO THE RECORD REQUESTER FOR TRANSMITTING PUBLIC RECORDS VIA ELECTRONIC MAIL. WITHIN THE PERIOD SPECIFIED IN SECTION 24-72-203 (3) (a), THE CUSTODIAN SHALL NOTIFY THE RECORD REQUESTER THAT A COPY OF THE RECORD IS AVAILABLE BUT WILL ONLY BE SENT TO THE REQUESTER ONCE THE CUSTODIAN EITHER RECEIVES PAYMENT OR MAKES ARRANGEMENTS FOR RECEIVING PAYMENT FOR ALL COSTS ASSOCIATED WITH RECORDS TRANSMISSION AND FOR ALL OTHER FEES LAWFULLY ALLOWED, UNLESS RECOVERY OF ALL OR ANY PORTION OF SUCH COSTS OR FEES HAS BEEN WAIVED BY THE CUSTODIAN. UPON EITHER RECEIVING SUCH PAYMENT OR MAKING ARRANGEMENTS TO RECEIVE SUCH PAYMENT AT A LATER DATE, THE CUSTODIAN SHALL SEND THE RECORD TO THE REQUESTER AS SOON AS PRACTICABLE BUT NO MORE THAN THREE BUSINESS DAYS AFTER RECEIPT OF, OR MAKING ARRANGEMENTS TO RECEIVE, SUCH PAYMENT.

SECTION 2. Applicability. This act applies to any record request made on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES	John P. Morse 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