

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB23-248 be amended as follows:

1 Amend printed bill, page 9, after line 14 insert:

2 "SECTION 9. In Colorado Revised Statutes, 5-16-119, **amend**
3 (6) as follows:

4 **5-16-119. Collection agency license - requirements -**
5 **application - fee - expiration - definition.** (6) (a) A collection agency
6 must obtain a license for its principal place of business, but its branch
7 offices, if any, need not obtain separate licenses. A collection agency with
8 branch offices must notify the administrator in writing of the location of
9 each branch office within thirty days after the branch office commences
10 business.

11 (b) SUBJECT TO RULES ADOPTED BY THE ADMINISTRATOR,
12 NOTHING IN SUBSECTION (6)(a) OF THIS SECTION PROHIBITS A LICENSEE
13 FROM PERMITTING ITS EMPLOYEES TO WORK FROM A REMOTE LOCATION SO
14 LONG AS THE LICENSEE:

15 (I) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
16 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
17 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

18 (II) MAINTAINS APPROPRIATE SAFEGUARDS FOR LICENSEE AND
19 CONSUMER DATA, INFORMATION, AND RECORDS, INCLUDING THE USE OF
20 SECURE VIRTUAL PRIVATE NETWORKS, ALSO KNOWN AS "VPNs", WHERE
21 APPROPRIATE;

22 (III) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
23 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
24 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
25 PROCESSES;

26 (IV) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT
27 MAINTAINED AT A REMOTE LOCATION;

28 (V) ENSURES CONSUMER AND LICENSEE INFORMATION AND
29 RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
30 OVERSIGHT AND EXAMINATION; AND

31 (VI) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
32 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL
33 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
34 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
35 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
36 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
37 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

38 (c) AS USED IN THIS SUBSECTION (6), "REMOTE LOCATION" MEANS
39 A PRIVATE RESIDENCE OF AN EMPLOYEE OF A LICENSEE OR ANOTHER
40 LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE

1 LICENSEE."

2 Renumber succeeding sections accordingly.

3 Page 11, after line 12 insert:

4 "SECTION 13. In Colorado Revised Statutes, add 5-19-206.5 as
5 follows:

6 **5-19-206.5 Remote work authorized - definition.** (1) SUBJECT
7 TO RULES ADOPTED BY THE ADMINISTRATOR, NOTHING IN THIS PART 2
8 PROHIBITS A REGISTERED PROVIDER FROM PERMITTING ITS EMPLOYEES TO
9 WORK FROM A REMOTE LOCATION SO LONG AS THE REGISTERED PROVIDER:

10 (a) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
11 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
12 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

13 (b) MAINTAINS APPROPRIATE SAFEGUARDS FOR REGISTERED
14 PROVIDER AND CONSUMER DATA, INFORMATION, AND RECORDS,
15 INCLUDING THE USE OF SECURE VIRTUAL PRIVATE NETWORKS, ALSO
16 KNOWN AS "VPNs", WHERE APPROPRIATE;

17 (c) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
18 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
19 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
20 PROCESSES;

21 (d) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT
22 MAINTAINED AT A REMOTE LOCATION;

23 (e) ENSURES CONSUMER AND REGISTERED PROVIDER INFORMATION
24 AND RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
25 OVERSIGHT AND EXAMINATION; AND

26 (f) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
27 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL
28 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
29 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
30 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
31 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
32 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

33 (2) AS USED IN THIS SECTION, "REMOTE LOCATION" MEANS A
34 PRIVATE RESIDENCE OF AN EMPLOYEE OF A REGISTERED PROVIDER OR
35 ANOTHER LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE
36 REGISTERED PROVIDER."

37 Renumber succeeding sections accordingly.

38 Page 12, line 4, strike "(1)(a)" and substitute "(1)(a), (9)".

39 Page 12, line 5, strike "servicers." and substitute "servicers -

1 **definition."**

2 Page 12, after line 21 insert:

3 **"(9) Change of license notification.** (a) A licensee under this
4 section shall not act within this state as a student loan servicer under any
5 name or at any place of business other than those named in the license. A
6 licensee shall give prior written notice to the administrator of a change of
7 business location. A licensee shall not operate more than one place of
8 business under the same license, but the administrator may issue more
9 than one license to a licensee that complies with this part 1 as to each
10 license. A license is not transferable or assignable.

11 (b) (I) SUBJECT TO RULES ADOPTED BY THE ADMINISTRATOR,
12 NOTHING IN SUBSECTION (9)(a) OF THIS SECTION PROHIBITS A LICENSEE
13 FROM PERMITTING ITS EMPLOYEES TO WORK FROM A REMOTE LOCATION SO
14 LONG AS THE LICENSEE:

15 (A) ENSURES THAT NO IN-PERSON CUSTOMER INTERACTIONS ARE
16 CONDUCTED AT THE REMOTE LOCATION AND DOES NOT DESIGNATE THE
17 REMOTE LOCATION TO CONSUMERS AS A BUSINESS LOCATION;

18 (B) MAINTAINS APPROPRIATE SAFEGUARDS FOR LICENSEE AND
19 CONSUMER DATA, INFORMATION, AND RECORDS, INCLUDING THE USE OF
20 SECURE VIRTUAL PRIVATE NETWORKS, ALSO KNOWN AS "VPNs", WHERE
21 APPROPRIATE;

22 (C) EMPLOYS APPROPRIATE RISK-BASED MONITORING AND
23 OVERSIGHT PROCESSES OF WORK PERFORMED FROM A REMOTE LOCATION
24 AND MAINTAINS RECORDS OF THE MONITORING AND OVERSIGHT
25 PROCESSES;

26 (D) ENSURES CONSUMER INFORMATION AND RECORDS ARE NOT
27 MAINTAINED AT A REMOTE LOCATION;

28 (E) ENSURES CONSUMER AND LICENSEE INFORMATION AND
29 RECORDS REMAIN ACCESSIBLE AND AVAILABLE FOR REGULATORY
30 OVERSIGHT AND EXAMINATION; AND

31 (F) PROVIDES APPROPRIATE EMPLOYEE TRAINING TO ENSURE
32 EMPLOYEES WORKING FROM A REMOTE LOCATION KEEP ALL
33 CONVERSATIONS ABOUT AND WITH CONSUMERS THAT ARE CONDUCTED
34 FROM THE REMOTE LOCATION CONFIDENTIAL, AS IF CONDUCTED FROM A
35 COMMERCIAL LOCATION, AND TO ENSURE THAT EMPLOYEES WORKING AT
36 A REMOTE LOCATION WORK IN AN ENVIRONMENT THAT IS CONDUCIVE AND
37 APPROPRIATE TO ENSURING PRIVACY AND CONFIDENTIAL CONVERSATIONS.

38 (II) AS USED IN THIS SUBSECTION (9)(b), "REMOTE LOCATION"
39 MEANS A PRIVATE RESIDENCE OF AN EMPLOYEE OF A LICENSEE OR
40 ANOTHER LOCATION SELECTED BY THE EMPLOYEE AND APPROVED BY THE
41 LICENSEE."

42 Strike "CREDIT" and substitute "CREDIT OBLIGATION" on: **Page 13**, lines

1 18 and 23; **Page 14**, lines 16, 17, 23, and 25; **Page 15**, lines 9, 10, 12, 13,
2 25, and 27; **Page 16**, lines 2, 3, 13, 15, 19, and 25; **Page 17**, lines 3, 8, 12,
3 and 15; **Page 19**, line 19; **Page 20**, line 27; **Page 21**, lines 10, 12, 13, 15,
4 and 17; **Page 22**, lines 3, 8, 12, 18, and 27; **Page 23**, lines 10, 21, 22, and
5 24; **Page 24**, lines 3, 12, 18, 23 two times, 24 the second "CREDIT", 26,
6 and 27; **Page 25**, lines 6, 12, and 17; **Page 26**, lines 1, 9, 17, 19, 21, 23,
7 and 25; **Page 27**, lines 2, 5, 6, 10, 14, and 25; **Page 28**, lines 4, 6, 8, 10,
8 11 two times, 12, 19, and 21; **Page 29**, lines 2, 5, 6, 9 the first "CREDIT",
9 10, 13 two times, 16, 17, 20, and 24; and **Page 30**, lines 9 and 11.

10 Strike "CREDITS" and substitute "CREDIT OBLIGATIONS" on: **Page 16**, lines
11 16, 21, and 23; **Page 24**, line 9; **Page 26**, lines 15 and 27; and **Page 28**,
12 lines 1 and 26.

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