



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1210: PROHIBIT SURVEILLANCE PRICE & WAGE SETTING

Prime Sponsors:

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Sen. Weissman; Jodeh

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Published for: House Business Affairs & Labor**Drafting number:** LLS 26-0542**Version:** Initial Fiscal Note**Date:** March 10, 2026**Fiscal note status:** This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill prohibits individualized price and wage setting, with violations constituting a deceptive trade practice.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill prohibits individualized price and wage discrimination, defined as using automated decision systems to set prices or wages based on surveillance data regarding a consumer or worker, respectively. Exceptions are provided, including differential prices based on criteria that can be met by any consumer, or wages based solely on certain factors.

Entities using automated decision systems to set prices or wages must develop and publish procedures that:

- ensure accuracy of data used;
- allows consumers or workers to request and receive data used and how it is used; and
- allows consumers or workers to correct or challenge the accuracy of data used.

Violations constitute a deceptive trade practice under the Colorado Consumer Protection Act. In addition to other remedies available under current law, the Department of Law (DOL), a district attorney, or an aggrieved party may bring a civil action for violations. The bill specifies a civil penalty of up to \$10,000 per violation when the DOL or a district attorney brings a suit, and aggrieved parties may pursue specified damages. Finally, the DOL is authorized to make rules necessary to implement and enforce the bill.

State Revenue

Starting in FY 2026-27, the bill may increase state revenue from civil penalties and filing fees, as discussed below.

Civil Penalties

Under the Colorado Consumer Protection Act, a person committing a deceptive trade practice may be subject to civil penalties for each violation. Additional penalties may be imposed for subsequent violations of a court order or injunction. This revenue is classified as a damage award and not subject to TABOR. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as the wide range in potential penalty amounts, the fiscal note cannot estimate the potential impact of these civil penalties.

Filing Fees

The bill may increase revenue to the Judicial Department from an increase in civil cases filed by aggrieved parties. Revenue from filing fees is subject to TABOR.

State Expenditures

Starting in FY 2026-27, the bill increases workload in the DOL, the Judicial Department, and the Department of Personnel and Administration (DPA), as discussed below.

Department of Law

Workload in the DOL will minimally increase if deceptive trade practice complaints are filed. The department will review complaints and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources. No change in appropriations is required.

Judicial Department

The trial courts in the Judicial Department may have an increase in cases filed under the Colorado Consumer Protection Act from the addition of a new deceptive trade practice. It is assumed that people will follow the law and that any violation will result in a minimal number of new cases. This can be accomplished within existing resources and no change in appropriations is required.

Department of Personnel and Administration

Workload will increase in the Division of Human Resources within the DPA to update rules and policies for compliance. This increase is absorbable within existing resources, and no change in appropriations is required.

Local Government

Similar to the state, if district attorneys receive deceptive trade practice complaints related to the new deceptive trade practice, workload will increase to investigate complaints and seek relief when appropriate. It is assumed most such cases will be handled at the state level by the Attorney General.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

Departmental Difference

The State Office of Risk Management (SORM) within the DPA estimates that the bill requires about \$8.5 million from the General Fund in FY 2026-27, and \$9.5 million from the Risk Management Fund in FY 2027-28 and ongoing. The SORM assumes it will defend wage setting cases resulting from state employee claims, with the amounts based on legal defense costs and settlements resulting from a total of 88 claims in FY 2026-27, and 98 claims in FY 2027-28. Additionally, the SORM notes that class action suits are likely, which could incur a cost of \$9.0 million to \$12.0 million per action.

The fiscal note acknowledges that the bill may lead to claims against the state; however, any claims would be based on whether current state wage setting is prohibited by the bill. The fiscal note assumes that the state does not currently engage in the type of individualized wage setting prohibited by the bill. Any increase in costs for defending or settling claims, if they materialize, will be addressed through the annual budget process, and no additional appropriation is required in this bill.

State and Local Government Contacts

District Attorneys

Law

Judicial

Personnel

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).