

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0416.01 Yelana Love x2295

HOUSE BILL 24-1151

HOUSE SPONSORSHIP

Ricks,

SENATE SPONSORSHIP

Exum,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING CERTAIN CONSUMER TRANSACTIONS THAT**
102 **DO NOT INCLUDE ALL MANDATORY CHARGES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a person from advertising a price for a product, good, or service that does not include all mandatory or nondiscretionary fees or charges. A violation of this prohibition is a deceptive trade practice enforceable by the attorney general or a district attorney.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 22, 2024

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-105, **amend**
3 (1)(cccc) and (1)(dddd); and **add** (1)(eeee) as follows:

4 **6-1-105. Unfair or deceptive trade practices.** (1) A person
5 engages in a deceptive trade practice when, in the course of the person's
6 business, vocation, or occupation, the person:

7 (cccc) Sells or offers for sale a product that is age-restricted to a
8 person who does not meet the age restriction; ~~or~~

9 (dddd) Fails to register a mobile home park in violation of section
10 38-12-1106; OR

11 (eeee) VIOLATES SECTION 6-1-735.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-735 as
13 follows:

14 **6-1-735. Sales of products, goods, and services - fees and**
15 **charges - requirement to include - definition.** (1) A PERSON SHALL NOT
16 KNOWINGLY OR RECKLESSLY ADVERTISE A PRICE FOR A PRODUCT, GOOD,
17 OR SERVICE UNLESS THE PRICE INCLUDES ALL MANDATORY OR
18 NONDISCRETIONARY FEES OR CHARGES OTHER THAN:

19 (a) TAXES OR FEES ON THE TRANSACTION THAT ARE IMPOSED BY,
20 PAID TO, OR PASSED ON TO A GOVERNMENT, INCLUDING A LOCAL
21 GOVERNMENTAL ENTITY OR OTHER UNIT OF LOCAL GOVERNMENT, OR A
22 POLITICAL SUBDIVISION OF THE STATE, INCLUDING A
23 GOVERNMENT-CREATED SPECIAL DISTRICT; AND

24 (b) POSTAGE OR CARRIAGE CHARGES THAT WILL BE REASONABLY
25 AND ACTUALLY INCURRED TO SHIP THE PHYSICAL GOOD TO THE
26 CONSUMER.

27 (2) (a) A PERSON THAT PROVIDES BROADBAND INTERNET ACCESS

1 SERVICE ON ITS OWN OR AS PART OF A BUNDLE AND COMPLIES WITH THE
2 BROADBAND CONSUMER LABEL REQUIREMENTS IN 47 CFR 8.1 (a) IS
3 COMPLIANT WITH SUBSECTION (1) OF THIS SECTION.

4 (b) A BUSINESS THAT IS A RETAIL FOOD ESTABLISHMENT, AS
5 DEFINED IN SECTION 25-4-1602 (14), AN ESTABLISHMENT IN THE
6 ALCOHOLIC BEVERAGES DRINKING PLACES INDUSTRY, AS DEFINED IN
7 SECTION 39-26-105 (1.3)(a)(I), OR A MOVIE THEATER MAY COMPLY WITH
8 SUBSECTION (1) OF THIS SECTION BY PROVIDING NOTICE OF ALL
9 MANDATORY OR NONDISCRETIONARY FEES OR CHARGES:

10 (I) AT THE BUSINESS'S PREMISES ON A MENU, ON A TABLETOP OR
11 COUNTERTOP DISPLAY, OR THROUGH SIGNAGE ON THE PREMISES; AND

12 (II) ON THE BUSINESS'S WEBSITE WHERE PRICES ARE ADVERTISED.

13 (3) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

14 (a) AN ADVERTISEMENT FOR WHICH A PERSON IS REQUIRED TO
15 PROVIDE DISCLOSURES IN COMPLIANCE WITH ANY OF THE FOLLOWING
16 FEDERAL OR STATE LAWS OR REGULATIONS OR RULES PROMULGATED
17 PURSUANT TO THE FEDERAL OR STATE LAWS:

18 (I) THE FEDERAL "TRUTH IN SAVINGS ACT", 12 U.S.C. SEC. 4301
19 ET SEQ., AS AMENDED;

20 (II) THE FEDERAL "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C.
21 SEC. 1693 ET SEQ., AS AMENDED;

22 (III) SECTION 19 OF THE "FEDERAL RESERVE ACT", 12 U.S.C. SEC.
23 461 ET SEQ., AS AMENDED;

24 (IV) THE FEDERAL "TRUTH IN LENDING ACT", 15 U.S.C. SEC. 1601
25 ET SEQ., AS AMENDED;

26 (V) THE FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT
27 OF 1974", 12 U.S.C. SEC. 2601 ET SEQ., AS AMENDED;

1 (VI) THE FEDERAL "HOME OWNERSHIP AND EQUITY PROTECTION
2 ACT OF 1994", 15 U.S.C. SEC. 1639, AS AMENDED; OR

3 (VII) THE "COLORADO SECURITIES ACT", ARTICLE 51 OF TITLE 11;

4 (b) ADVERTISEMENTS MADE IN CONNECTION WITH THE PROVISION
5 OF WORKERS' COMPENSATION INSURANCE;

6 (c) ADVERTISEMENTS MADE BY A REAL ESTATE BROKER LICENSED
7 PURSUANT TO SECTION 12-10-202;

8 (d) AN AIR CARRIER, AS DEFINED IN AND REGULATED UNDER 49
9 U.S.C. SEC. 40101 ET SEQ., AS AMENDED, AND 49 U.S.C. SEC. 41713, AS
10 AMENDED; OR

11 (e) A POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION
12 44-20-402 (12); A USED POWERSPORTS VEHICLE DEALER, AS DEFINED IN
13 SECTION 44-20-402 (20); A MOTOR VEHICLE DEALER, AS DEFINED IN
14 SECTION 44-20-102 (18); A USED MOTOR VEHICLE DEALER, AS DEFINED IN
15 SECTION 44-20-102 (26); OR THE HOLDER OF A BUSINESS DISPOSAL
16 LICENSE ISSUED PURSUANT TO SECTION 44-20-108 (1)(i), IF SUCH DEALER
17 OR LICENSEE IS REQUIRED BY THE MOTOR VEHICLE DEALER BOARD,
18 CREATED IN SECTION 44-20-103 (1), TO DISCLOSE ALL MANDATORY OR
19 NONDISCRETIONARY FEES OR CHARGES.

20 (4) AS USED IN THIS SECTION, "MANDATORY OR
21 NONDISCRETIONARY FEES OR CHARGES" MEANS AN AMOUNT THAT:

22 (a) A CONSUMER IS REQUIRED TO PAY FOR A PRODUCT, GOOD, OR
23 SERVICE; AND

24 (b) IS NOT BASED ON THE CONSUMER'S CHOICE TO ACCEPT
25 ADDITIONAL PRODUCTS, GOODS, OR SERVICES.

26 **SECTION 3. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2024 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) This act applies to conduct occurring on or after the applicable
10 effective date of this act.