

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 17-0228.01 Kate Meyer x4348

SENATE BILL 17-228

SENATE SPONSORSHIP

Gardner, Cooke, Guzman, Holbert, Kagan

HOUSE SPONSORSHIP

Wist, Foote, Herod, Lee, Willett

Senate Committees

Judiciary

House Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS**
102 **RELATED TO LICENSES GRANTED BY LOCAL GOVERNMENTS**
103 **FROM TITLE 12, COLORADO REVISED STATUTES, AS PART OF**
104 **THE ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

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/>.)

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
April 27, 2017

SENATE
3rd Reading Unamended
April 6, 2017

SENATE
2nd Reading Unamended
April 5, 2017

occupations. To implement the initial recommendations of the study:

- ! **Section 1** of the bill relocates article 18 of title 12, which relates to dance halls, to title 30, which pertains to counties;
- ! **Section 2** relocates article 25.5 of title 12, which relates to escort services, to title 29, which relates to local governments; and
- ! **Section 3** relocates article 56 of title 12, which relates to pawnbrokers, to title 29.

Section 9 repeals the articles where these laws were previously codified, and **sections 4 through 8** make conforming amendments.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** part 5 to article 15 of title 30 as follows:

PART 5

DANCE HALLS

30-15-501. [Formerly 12-18-101] License required. No person, partnership, or corporation shall operate, conduct, carry on, or maintain a public dance hall, booth, pavilion, or other place where public dances are held without first obtaining a license therefor. Any person, firm, or corporation desiring such license shall make application therefor in writing to the board of county commissioners of the county in which ~~such~~ THE public dance hall, booth, pavilion, or other place is proposed to be located. ~~Such~~ THE application shall state the name and address of the applicant, if a person; the names and addresses of all the persons composing the partnership, if a partnership; and the names and addresses of the officers and directors of the corporation, if a corporation; a full description of the place and premises at which it is proposed to conduct and carry on such public dances; and the term for which ~~such~~ THE license is desired. The board of county commissioners has the authority, within its discretion, to grant such license to ~~such~~ AN applicant for the current

1 calendar year or part thereof unexpired upon the payment by ~~said~~ THE
2 applicant of a fee of twenty-five dollars to the county treasurer. ~~Such~~ THE
3 license shall authorize the person, firm, or corporation receiving it to
4 operate, conduct, and carry on a public dance hall, booth, or pavilion at
5 such place for the term from the date of its issue to the end of the current
6 calendar year for which it is issued. This ~~article~~ PART 5 shall not apply to
7 incorporated cities and towns.

8 **30-15-502. [Formerly 12-18-102] License not transferable.** No
9 license issued under the provisions of this ~~article~~ PART 5 shall be assigned
10 or transferred by the person, firm, or corporation to whom it is issued, and
11 no license shall be available or used for more than one particular place,
12 building, or premises described in the application and in ~~such~~ THE license.

13 **30-15-503. [Formerly 12-18-103] Revocation or cancellation**
14 **of licenses.** The board of county commissioners issuing such licenses has
15 full power and authority, at its discretion, to revoke and cancel any
16 license issued by ~~such~~ THE board under this ~~article~~ PART 5 whenever ~~such~~
17 THE board, by proper resolution, determines that the public morals or
18 public safety or public health of the community requires ~~such~~ revocation
19 or cancellation.

20 **30-15-504. [Formerly 12-18-104] Penalty.** Any person violating
21 any of the provisions of this ~~article~~ PART 5 is guilty of a misdemeanor
22 and, upon conviction thereof, shall be punished by a fine of not less than
23 twenty-five dollars nor more than three hundred dollars for each offense,
24 or by imprisonment in the county jail for not less than ten days nor more
25 than thirty days for each offense, or by both such fine and imprisonment.

26 **30-15-505. [Formerly 12-18-105] Jurisdiction.** The county
27 court of the county wherein such licenses are issued has full jurisdiction

1 to try and punish all cases for violation of the provisions of this ~~article~~
2 PART 5, subject to the right of appeal in such cases as provided by law.

3 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
4 **and relocated provisions** article 11.8 to title 29 as follows:

5 **ARTICLE 11.8**

6 **Escort Services**

7 **29-11.8-101. [Formerly 12-25.5-101] Short title.** ~~This article~~
8 ~~shall be known and may be cited as~~ THE SHORT TITLE OF THIS ARTICLE
9 11.8 IS the "Colorado Escort Service Code".

10 **29-11.8-102. [Formerly 12-25.5-102] Legislative declaration.**

11 (1) The general assembly hereby declares that this ~~article~~ ARTICLE 11.8
12 shall be deemed an exercise of the police powers of the state for the
13 protection of the economic and social welfare and the health, welfare, and
14 safety of the people of this state.

15 (2) The general assembly further declares that the licensing and
16 regulation of escort bureaus are matters of statewide concern; therefore,
17 this ~~article~~ ARTICLE 11.8 shall be applicable in every city, town, county,
18 and city and county in this state.

19 **29-11.8-103. [Formerly 12-25.5-103] Definitions.** As used in
20 this ~~article~~ ARTICLE 11.8, unless the context otherwise requires:

21 (1) "Escort" means any person who, for a salary, fee, commission,
22 hire, or profit, makes himself OR HERSELF available to the public for the
23 purpose of accompanying other persons for companionship.

24 (2) "Escort bureau" means any business, agency, or person who,
25 for a fee, commission, hire, or profit, furnishes or arranges for persons to
26 accompany other persons for companionship.

27 (3) "Escort bureau runner" means any person who, for a salary,

1 fee, hire, or profit, acts in the capacity of an agent for an escort bureau by
2 contacting or meeting with escort patrons whether or not ~~said~~ THE person
3 is employed by such escort bureau or by another business or is
4 self-employed.

5 (4) "Escort patron" means any person who seeks the services of
6 an escort, escort bureau, or escort bureau runner.

7 (5) "Licensed premises" means that single, discrete, identifiable
8 location at which a licensed activity is permitted and, in fact, is conducted
9 under the authority of any one license.

10 (6) "Local licensing authority" means the governing body of a
11 municipality or city and county, the board of county commissioners of a
12 county, or any authority designated by municipal or county charter,
13 municipal resolution or ordinance, or county resolution or ordinance.

14 (7) "Person" means a natural person, partnership, association,
15 company, corporation, or organization or a managing agent, servant,
16 officer, partner, owner, operator, or employee of any of them.

17 **29-11.8-104. [Formerly 12-25.5-104] License required.** (1) No
18 person shall hold himself OR HERSELF out to the public as an escort, or
19 accept compensation as an escort, without having first secured a license
20 therefor from the local licensing authority.

21 (2) No person shall conduct, manage, or carry on an escort bureau
22 without having first secured a license therefor from the local licensing
23 authority.

24 (3) No person shall represent himself OR HERSELF as an escort
25 bureau runner, or accept compensation as an escort bureau runner,
26 without having first secured a license therefor from the local licensing
27 authority.

1 (4) Licenses issued under this ~~article~~ ARTICLE 11.8 shall be valid
2 only within the boundaries of the local licensing authority.

3 **29-11.8-105. [Formerly 12-25.5-105] Licensing - general**
4 **provisions.** (1) All licenses granted pursuant to the provisions of this
5 ~~article~~ ARTICLE 11.8 shall be valid for a period of one year from the date
6 of their issuance unless revoked or suspended pursuant to ~~section~~
7 ~~12-25.5-108 or 12-25.5-113~~ SECTION 29-11.8-108 OR 29-11.8-113.

8 (2) Application for the renewal of an existing license shall be
9 made to the local licensing authority not less than forty-five days prior to
10 the date of expiration. The local licensing authority may cause a hearing
11 on the application for renewal to be held. No such renewal hearing shall
12 be held by the local licensing authority until a notice of hearing has been
13 conspicuously posted on the licensed premises for a period of ten days
14 and notice of the hearing has been provided the applicant at least ten days
15 prior to the hearing. The local licensing authority may refuse to renew any
16 license for good cause, subject to judicial review.

17 (3) Each license issued under this ~~article~~ ARTICLE 11.8 is separate
18 and distinct, and no person shall exercise any of the privileges granted
19 under any license other than that which ~~he~~ THE PERSON holds. A separate
20 license must be obtained by each person wishing to exercise any of the
21 privileges governed by this ~~article~~ ARTICLE 11.8 and for each
22 geographical location at or from which any person wishes to conduct
23 business as an escort, escort bureau, or escort bureau runner.

24 (4) No license granted under the provisions of this ~~article~~ ARTICLE
25 11.8 may be transferred or assigned, with or without consideration,
26 without the consent of the local licensing authority. Any attempted
27 transfer or assignment without the consent of the local licensing authority

1 shall render the applicable license void.

2 (5) No changes of location for licensed premises shall be allowed
3 without the consent of the local licensing authority. Any attempted
4 change of location for licensed premises without the consent of the local
5 licensing authority shall render the applicable license void.

6 (6) When a license has been issued to a husband and wife, the
7 death of a spouse shall not require the surviving spouse to obtain a new
8 license. All rights and privileges granted under the original license shall
9 continue in full force and effect as to ~~such~~ THE survivor for the balance
10 of the license.

11 (7) The licenses provided pursuant to this ~~article~~ ARTICLE 11.8
12 shall specify the date of issuance, the period which is covered, the name
13 of the licensee, and the premises licensed. ~~Said~~ THE license shall be
14 conspicuously displayed at all times in the licensed premises of any
15 person thereby licensed.

16 **29-11.8-106. [Formerly 12-25.5-106] Application to local**
17 **licensing authority - minimum qualifications - issuance - definition.**

18 (1) Application for a license under the provisions of this ~~article~~ ARTICLE
19 11.8 shall be made to the local licensing authority on forms prepared and
20 furnished by the local licensing authority, which shall set forth such
21 information as the local licensing authority may require to enable the
22 authority to determine whether a license should be granted. ~~Such~~ THE
23 information shall include the name and address of the applicant and, if a
24 partnership, also the names and addresses of all the partners and, if a
25 corporation, association, or other organization, also the names and
26 addresses of the president, vice-president, secretary, and managing
27 officer, together with all other information deemed necessary by the local

1 licensing authority. Each application shall be verified by the oath or
2 affirmation of such persons as the local licensing authority may prescribe.
3 The local licensing authority may require payment of a reasonable
4 processing fee with each application, which fee shall not exceed three
5 hundred dollars for an escort bureau license application and two hundred
6 dollars for an escort license application.

7 (2) (a) No individual shall be issued a license as an escort or as an
8 escort bureau runner unless he OR SHE:

9 (I) Has attained eighteen years of age;

10 (II) Is a resident of the state of Colorado.

11 (b) No person shall be issued a license as an escort bureau, and no
12 person other than an individual shall be issued a license as an escort
13 bureau runner unless:

14 (I) If an individual, he OR SHE has attained the age of eighteen
15 years; or

16 (II) If a partnership or limited partnership, all partners have
17 attained the age of eighteen years; or

18 (III) If a corporation, the directors and all officers ~~thereof~~ OF THE
19 CORPORATION have attained the age of eighteen years; and

20 (IV) If an individual, he OR SHE is a resident of this state for six
21 weeks immediately prior to the filing of the application with the local
22 licensing authority; or

23 (V) If a partnership or limited partnership, all of the partners
24 thereof are residents of this state for six weeks immediately prior to the
25 filing of the application with the local licensing authority; or

26 (VI) If a corporation, the directors and all of the officers ~~thereof~~
27 OF THE CORPORATION are residents of this state for six weeks immediately

1 prior to the filing of the application with the local licensing authority; and

2 (VII) If a corporation, the corporation is qualified with the
3 secretary of state to do business in this state or is incorporated under the
4 laws of this state.

5 (3) (a) Before granting or denying any license renewal or new
6 license for which an application has been made, the local licensing
7 authority or one or more of its agents or inspectors may visit and inspect
8 the premises or property in or from which the applicant proposes to
9 conduct his OR HER business and investigate the fitness to conduct ~~such~~
10 THE business of any person, including all officers and directors of any
11 corporation, applying for a license. In investigating the fitness of any
12 applicant, licensee, or employee or agent of the licensee or applicant, the
13 local licensing authority may have access to criminal history record
14 information furnished by criminal justice agencies subject to any
15 restrictions imposed by such agencies. In the event the local licensing
16 authority takes into consideration information concerning the applicant's
17 or licensee's criminal history record, the local licensing authority shall
18 also consider any information provided by the applicant or licensee
19 regarding ~~such~~ THE criminal history record, including, but not limited to,
20 evidence of mitigating factors, rehabilitation, character references, and
21 educational achievements, especially those items pertaining to the period
22 of time between the applicant's last criminal conviction and the
23 consideration of his OR HER application for a license or license renewal.

24 (b) As used in this subsection (3), "criminal justice agency" means
25 any federal, state, or municipal court or any governmental agency or
26 subunit of such agency ~~which~~ THAT performs the administration of
27 criminal justice pursuant to a statute or executive order and ~~which~~ THAT

1 allocates a substantial part of its annual budget to the administration of
2 criminal justice.

3 (4) Every applicant, licensee, or agent or employee of ~~said~~ AN
4 applicant or licensee, prior to commencing work for, in, or upon the
5 premises of the escort bureau, shall obtain a photographic identity card
6 from the designated law enforcement agency within the licensing
7 jurisdiction in a form prescribed by the local licensing authority and shall
8 carry ~~said~~ THE identity card at all times while in or upon the licensed
9 premises or while acting as an escort or escort bureau runner.

10 (5) No escort bureau or escort bureau runner shall employ the
11 services of any person who has not obtained a valid identity card.

12 **29-11.8-107. [Formerly 12-25.5-107] Refusal of license by**
13 **local licensing authority.** The local licensing authority shall refuse a
14 license if the character of the applicant or any of its officers, directors, or
15 partners is such that violations of this ~~article~~ ARTICLE 11.8 would be likely
16 to result if a license were granted or if the applicant or any of its officers,
17 directors, or partners has held any license issued pursuant to this ~~article~~
18 ~~which~~ ARTICLE 11.8 THAT was suspended or revoked or for which
19 renewal was denied within two years prior to the date of the application
20 being acted upon. In the event that an otherwise disqualifying refusal,
21 suspension, or revocation is pending judicial review, the local licensing
22 authority shall postpone any action based on the subject matter of the
23 pending review until ~~said~~ THE review is finally determined.

24 **29-11.8-108. [Formerly 12-25.5-108] Suspension and**
25 **revocation.** In addition to any other penalties prescribed by this ~~article~~
26 ARTICLE 11.8, the local licensing authority has the power, on its own
27 motion or on complaint, after investigation and public hearing at which

1 the licensee shall be afforded an opportunity to be heard, to suspend or
2 revoke any license issued by such authority for any violation by the
3 licensee or by any of its agents, servants, or employees of the provisions
4 of this ~~article~~ ARTICLE 11.8, or of any of the rules or regulations
5 authorized pursuant to this ~~article~~ ARTICLE 11.8, or of any of the terms,
6 conditions, or provisions of the license issued by such authority. The local
7 licensing authority has the power to administer oaths and issue subpoenas
8 to require the presence of persons and production of papers, books, and
9 records reasonably necessary to the determination of any hearing which
10 the local licensing authority conducts.

11 **29-11.8-109. [Formerly 12-25.5-109] Persons prohibited as**
12 **licensees.** (1) No license provided by this ~~article~~ ARTICLE 11.8 shall be
13 issued to or held by:

14 (a) Any corporation, any of whose officers, directors, or
15 stockholders holding over ten percent of the issued or outstanding capital
16 stock thereof are not of good moral character;

17 (b) Any partnership, association, or company, any of whose
18 officers, or any of whose members holding more than ten percent interest
19 therein, are not of good moral character;

20 (c) Any person employing, assisted by, or financed in whole or in
21 part by any other person who is not of good moral character;

22 (d) A peace officer or any of the local licensing authority's
23 inspectors or employees;

24 (e) Any person unless ~~he~~ THE PERSON is of good moral character.

25 (2) For purposes of determining good moral character, the local
26 licensing authority may consider the criminal record of all applicants,
27 including, but not limited to, any conviction or guilty plea to a charge

1 based on acts of dishonesty, fraud, deceit, sexual misconduct, or
2 prostitution-related misconduct of any kind, whether or not the acts were
3 committed in this state.

4 **29-11.8-110. [Formerly 12-25.5-110] License fees.** (1) The
5 following license fees shall be paid to the local licensing authority
6 annually in advance:

7 (a) For the issuance of a new escort bureau license, an amount to
8 be set by the local licensing authority, but in no event to exceed five
9 thousand dollars;

10 (b) For each renewal of an escort bureau license, an amount to be
11 set by the local licensing authority, but in no event to exceed five
12 thousand dollars;

13 (c) For the issuance of a new escort or escort bureau runner
14 license, an amount to be set by the local licensing authority, but in no
15 event to exceed five hundred dollars;

16 (d) For each renewal of an escort or escort bureau runner license,
17 an amount to be set by the local licensing authority, but in no event to
18 exceed two hundred fifty dollars.

19 **29-11.8-111. [Formerly 12-25.5-111] Unlawful acts.** (1) It is
20 unlawful for any person:

21 (a) To operate an escort bureau without holding a currently valid
22 local license;

23 (b) To work as an escort or escort bureau runner without a
24 currently valid local license;

25 (c) To work as an escort or escort bureau runner without obtaining
26 and carrying a valid identity card pursuant to ~~section 12-25.5-106 (4)~~
27 SECTION 29-11.8-106 (4);

1 (d) To allow the provision or procurement of any escort service
2 to or for any person under the age of eighteen years without the written
3 consent of such person's parent or legal guardian;

4 (e) To permit any person under the age of eighteen years to be
5 employed as an employee in an escort bureau. If any person who, in fact,
6 is not eighteen years of age exhibits a fraudulent proof of age, reasonable
7 reliance on ~~such~~ THE fraudulent proof of age may constitute an
8 affirmative defense to any action seeking the revocation or suspension of
9 any license issued under this ~~article~~ ARTICLE 11.8 or to any criminal
10 action arising because a person is not at least eighteen years of age.

11 **29-11.8-112. [Formerly 12-25.5-112] Duties of escort bureau.**

12 (1) Every escort bureau shall refer all prospective escorts or escort
13 bureau runners to the local licensing authority for licensing. Upon
14 termination of employment of any escort or escort bureau runner with
15 ~~such~~ AN escort bureau, the escort bureau shall notify the local licensing
16 authority of such termination within five days.

17 (2) The escort bureau shall provide to each escort patron a written
18 contract for services. The contract shall clearly state the name and address
19 of the escort and customer, the type of services to be performed, the
20 length of time such services shall be performed, the total amount of
21 money such services will cost the escort patron, and any special terms or
22 conditions relating to the services to be performed. The contract shall
23 include a statement in clear and concise language that prostitution is
24 illegal in this state and that both parties to an act of prostitution may be
25 punished by both fine and imprisonment and that no act of prostitution
26 shall be performed in relation to the services for which contracted. Each
27 contract shall be numbered and utilized in numerical sequence by the

1 escort bureau. The contract shall be signed by the escort patron and a
2 copy furnished to him OR HER. The escort bureau shall also retain copies
3 of all such contracts, and one copy of each such contract executed in any
4 calendar month shall be transmitted by the escort bureau to the local
5 licensing authority no later than ten days after the last day of such month.
6 The local licensing authority shall treat such contracts transmitted to them
7 as open public records.

8 (3) Each escort bureau shall provide to each employee of the
9 escort bureau a written notice that includes:

10 (a) A statement that human trafficking is prohibited in this state
11 by the provisions of sections 18-3-503 and 18-3-504; ~~C.R.S.~~; and

12 (b) The name, telephone number, and internet website address of
13 a local, statewide, or national organization that provides assistance to
14 victims of human trafficking and slavery.

15 **29-11.8-113. [Formerly 12-25.5-113] Violations - penalty.**

16 (1) Any person violating any of the provisions of this ~~article~~ ARTICLE
17 11.8 is guilty of a misdemeanor and, upon conviction thereof, shall be
18 punished by a fine of not more than five thousand dollars for each
19 offense, or by imprisonment in the county jail for not more than one year,
20 or by both such fine and imprisonment. In addition to any other penalties,
21 the court trying such offense may decree that any license theretofore
22 issued under the provisions of this ~~article~~ ARTICLE 11.8 be suspended or
23 revoked and may decree that no such license shall thereafter be issued to
24 any such person for a period not to exceed five years.

25 (2) The penalties provided in this section shall not be affected by
26 the penalties provided in any other section of this ~~article~~ ARTICLE 11.8 but
27 shall be construed to be an addition to any other penalties.

1 (3) Any adult who causes a violation of the provisions of ~~section~~
2 ~~12-25.5-111 (1) (d) or (1) (e)~~ SECTION 29-11.8-111 (1)(d) OR (1)(e) may
3 be proceeded against pursuant to section 18-6-701, ~~C.R.S.~~, for
4 contributing to the delinquency of a minor.

5 **29-11.8-114. [Formerly 12-25.5-114] Powers - peace officers**
6 **- local licensing authority.** The peace officers of the city, town, county,
7 or city and county or the duly authorized representatives of the local
8 licensing authority authorized to enforce the provisions of this ~~article~~
9 ARTICLE 11.8, while engaged in performing their duties and while acting
10 under proper orders or regulations, shall have and exercise all the powers
11 vested in peace officers of the state, including the power to arrest and the
12 authority to issue summons for violations of the provisions of this ~~article~~
13 ARTICLE 11.8.

14 **29-11.8-115. [Formerly 12-25.5-115] Local government**
15 **regulation.** This ~~article~~ ARTICLE 11.8 is intended to provide minimum
16 standards for the licensing of escort bureaus, escorts, and escort bureau
17 runners. Nothing in this ~~article~~ ARTICLE 11.8 shall prohibit a local
18 government from enacting an ordinance providing more stringent
19 standards for such licensing, but such ordinance shall meet the minimum
20 standards established by this ~~article~~ ARTICLE 11.8. To the extent that this
21 ~~article~~ ARTICLE 11.8 directs implementation by local governments, all
22 such implementing actions may be accomplished by resolution or by
23 ordinance; and such implementing action shall be required upon a request
24 to the local governing body for an application for a license to operate
25 within the jurisdiction of ~~said~~ THE local governing body. Such a request
26 shall not be acted upon until the implementing action by resolution or
27 ordinance has been accomplished.

1 **SECTION 3.** In Colorado Revised Statutes, **add with amended**
2 **and relocated provisions** article 11.9 to title 29 as follows:

3 **ARTICLE 11.9**

4 **Pawnbrokers**

5 **29-11.9-101. [Formerly 12-56-101] Definitions.** As used in this
6 ~~article~~ ARTICLE 11.9, unless the context otherwise requires:

7 (1) "Contract for purchase" means a contract entered into between
8 a pawnbroker and a customer pursuant to which money is advanced to the
9 customer by the pawnbroker on the delivery of tangible personal property
10 by the customer on the condition that the customer, for a fixed price and
11 within a fixed period of time, to be no less than thirty days, has the option
12 to cancel said contract.

13 (2) "Fixed price" means the amount agreed upon to cancel a
14 contract for purchase during the option period. Said fixed price shall not
15 exceed

16 (a) ~~(Deleted by amendment, L. 2004, p. 392, § 1, effective August~~
17 ~~4, 2004.)~~

18 ~~(b)~~ one-fifth of the original purchase price for each month, plus
19 the original purchase price.

20 (3) "Fixed time" means that period of time, to be no less than
21 thirty days, as set forth in a contract for purchase, for an option to cancel
22 said contract.

23 (4) "Local law enforcement agency" means any marshal's office,
24 police department, or sheriff's office with jurisdiction in the locality in
25 which the customer enters into a contract for purchase or a purchase
26 transaction.

27 (5) "Local licensing authority" means the governing body of a

1 municipality or city and county in any incorporated area of the state and
2 the board of county commissioners of a county in any unincorporated area
3 of the state.

4 (6) "Option" means the fixed time and the fixed price agreed upon
5 by the customer and the pawnbroker in which a contract for purchase may
6 be but does not have to be rescinded by the customer.

7 (7) "Pawnbroker" means a person regularly engaged in the
8 business of making contracts for purchase or purchase transactions in the
9 course of his OR HER business.

10 (8) "Purchase transaction" means the purchase by a pawnbroker
11 in the course of his OR HER business of tangible personal property for
12 resale, other than newly manufactured tangible personal property ~~which~~
13 THAT has not previously been sold at retail, when ~~such~~ THE purchase does
14 not constitute a contract for purchase.

15 (9) "Tangible personal property" means all personal property other
16 than choses in action, securities, or printed evidences of indebtedness,
17 which property is deposited with or otherwise actually delivered into the
18 possession of a pawnbroker in the course of his OR HER business in
19 connection with a contract for purchase or purchase transaction.

20 **29-11.9-102. [Formerly 12-56-102] Local authority to license**
21 **and regulate.** Local licensing authorities may license pawnbrokers and
22 require that pawnbrokers be bonded and insured and may enact
23 regulations governing pawnbrokers, which regulations shall be at least as
24 restrictive as the provisions of this ~~article~~ ARTICLE 11.9; except that the
25 regulations shall be no more restrictive than this ~~article~~ ARTICLE 11.9 with
26 respect to fixed time and fixed price.

27 **29-11.9-103. [Formerly 12-56-103] Required acts of**

1 **pawnbrokers.** (1) A pawnbroker shall keep a numerical register or other
2 tangible or electronic record in which the pawnbroker shall record the
3 following information: The name, address, and date of birth of the
4 customer, and the driver's license number or other identification number
5 from any other form of identification that is allowed for the sale of
6 valuable articles pursuant to section 18-16-103, ~~C.R.S.~~, or for the sale of
7 secondhand property pursuant to section 18-13-114; ~~C.R.S.~~; the date,
8 time, and place of the contract for purchase or purchase transaction; and
9 an accurate and detailed account and description of each item of tangible
10 personal property, including, but not limited to, any trademark,
11 identification number, serial number, model number, brand name, or other
12 identifying marks on such property. The pawnbroker shall also obtain a
13 written declaration of the customer's ownership, which shall state that the
14 tangible personal property is totally owned by the customer, or shall have
15 attached to ~~such~~ THE declaration a power of sale from the partial owner
16 to the customer, how long the customer has owned the property, whether
17 the customer or someone else found the property, and, if the property was
18 found, the details of the finding.

19 (2) The customer shall sign the register or other tangible or
20 electronic record and the declaration of ownership and shall receive a
21 copy of the contract for purchase or a receipt of the purchase transaction.

22 (3) The register or other tangible or electronic record, as well as
23 a copy of the contract for purchase or a receipt of the purchase
24 transaction, shall be made available to any local law enforcement agency
25 for inspection at any reasonable time.

26 (4) The pawnbroker shall keep each register or other tangible or
27 electronic record for at least three years after the date of the last

1 transaction entered in the register.

2 (5) A pawnbroker shall hold all contracted goods within his OR
3 HER jurisdiction for a period of ten days following the maturity date of the
4 contract for purchase, during which time ~~such~~ THE goods shall be held
5 separate and apart from any other tangible personal property and shall not
6 be changed in form or altered in any way.

7 (6) A pawnbroker shall hold all property purchased by him OR HER
8 through a purchase transaction for thirty days following the date of
9 purchase, during which time such property shall be held separate and
10 apart from any other tangible personal property and shall not be changed
11 in form or altered in any way.

12 (7) (a) Every pawnbroker shall provide the local law enforcement
13 agency, on a weekly basis, with two records, on a form to be provided or
14 approved by the local law enforcement agency, of all tangible personal
15 property accepted during the preceding week and one copy of the
16 customer's declaration of ownership. The form shall contain the same
17 information required to be recorded in the pawnbroker's register or other
18 tangible or electronic record pursuant to subsection (1) of this section.
19 The local law enforcement agency shall designate the day of the week on
20 which the records and declarations shall be submitted.

21 (b) A local law enforcement agency is not required to use the
22 information submitted pursuant to ~~paragraph (a) of this subsection (7)~~
23 SUBSECTION (7)(a) OF THIS SECTION to provide a benefit to the general
24 public. The state and local governments may enact no further fees,
25 charges, or taxes related to the use of the information provided to local
26 law enforcement.

27 **29-11.9-104. [Formerly 12-56-104] Prohibited acts - penalties.**

1 (1) No pawnbroker shall enter into a contract for purchase or purchase
2 transaction with any individual under the age of eighteen years.

3 (2) With respect to a contract for purchase, no pawnbroker may
4 permit any customer to become obligated on the same day in any way
5 under more than one contract for purchase agreement with the
6 pawnbroker ~~which~~ THAT would result in the pawnbroker obtaining a
7 greater amount of money than would be permitted if the pawnbroker and
8 customer had entered into only one contract for purchase covering the
9 same tangible personal property.

10 (3) (a) No pawnbroker shall violate the terms of the contract for
11 purchase.

12 (b) A pawnbroker who violates the terms of a contract for
13 purchase involving a fixed price as set forth in ~~section 12-56-101 (2)~~
14 SECTION 29-11.9-101 (2) commits a class 2 misdemeanor and shall be
15 punished as provided in section 18-1.3-501. ~~C.R.S.~~

16 (4) Except as otherwise provided in this section, any pawnbroker
17 who violates any of the provisions of this ~~article~~ ARTICLE 11.9 commits
18 a class 1 misdemeanor and shall be punished as provided in section
19 18-1.3-501, ~~C.R.S.~~, and upon a second or subsequent conviction of a
20 violation of this ~~article~~ ARTICLE 11.9 within three years after the date of
21 a prior conviction, a pawnbroker commits a class 6 felony and shall be
22 punished as provided in section 18-1.3-401. ~~C.R.S.~~

23 (5) Any customer who knowingly gives false information with
24 respect to the information required by ~~section 12-56-103 (1)~~ SECTION
25 29-11.9-103 (1) commits a class 6 felony and shall be punished as
26 provided in section 18-1.3-401. ~~C.R.S.~~

27 **SECTION 4.** In Colorado Revised Statutes, 5-1-202, **amend**

1 (1)(d)(I) introductory portion, (1)(d)(I)(A), and (1)(d)(I)(B) as follows:

2 **5-1-202. Exclusions.** (1) (d) (I) With respect to contracts for
3 purchase entered into by a pawnbroker, as the terms are defined in ~~section~~
4 ~~12-56-101, C.R.S.~~, SECTION 29-11.9-101, the rates and charges, and the
5 disclosure of rates and charges, if the rates and charges do not exceed the
6 fixed price permitted by ~~section 12-56-101 (2), C.R.S.~~ SECTION
7 29-11.9-101 (2). The exclusion in this ~~subparagraph (I)~~ SUBSECTION
8 (1)(d)(I) applies to pawnbrokers who are:

9 (A) Licensed by a local licensing authority pursuant to ~~section~~
10 ~~12-56-102, C.R.S.~~ SECTION 29-11.9-102; or

11 (B) Regulated, with respect to rates and charges, by a local
12 governing authority pursuant to ~~section 12-56-102, C.R.S.~~ SECTION
13 29-11.9-102.

14 **SECTION 5.** In Colorado Revised Statutes, 18-15-109, **amend**
15 (1)(c) introductory portion and (1)(c)(IV) as follows:

16 **18-15-109. Loan finder - definitions - prohibited fees.** (1) As
17 used in this section, unless the context otherwise requires:

18 (c) "Loan finder" means any person who, directly or indirectly,
19 serves or offers to serve as a lender or as an agent to obtain a loan or who
20 holds himself OR HERSELF out as capable of obtaining a loan for any
21 person; except that the following persons shall be exempt from the
22 provisions of this section:

23 (IV) A pawnbroker licensed pursuant to ~~article 56 of title 12,~~
24 ~~C.R.S.~~ ARTICLE 11.9 OF TITLE 29, acting as such;

25 **SECTION 6.** In Colorado Revised Statutes, 30-15-401, **amend**
26 (1) introductory portion, (1)(i), and (1)(k) as follows:

27 **30-15-401. General regulations - definitions.** (1) In addition to

1 those powers granted by sections 30-11-101 and 30-11-107 and by parts
2 1, 2, and 3 of this ~~article~~ ARTICLE 15, the board of county commissioners
3 has the power to adopt ordinances for control or licensing of those
4 matters of purely local concern that are described in the following
5 enumerated powers:

6 (i) To regulate and license escort bureaus, escorts, and escort
7 bureau runners to the extent permitted under ~~article 25.5 of title 12,~~
8 ~~C.R.S.~~ ARTICLE 11.8 OF TITLE 29;

9 (k) To regulate and license pawnbrokers as provided in ~~section~~
10 ~~12-56-102, C.R.S.~~ SECTION 29-11.9-102;

11 **SECTION 7.** In Colorado Revised Statutes, 30-26-301, **amend**
12 (2)(d) introductory portion as follows:

13 **30-26-301. Creation of debt for buildings, roads - election -**
14 **definitions.** (2) (d) The order submitting the question of contracting an
15 indebtedness shall contain a statement of the maximum net effective
16 interest rate at which said indebtedness may be incurred. As used in
17 articles 11, 15, and 17, parts 1, 3 to 6, and 8 of article 20, articles 25 and
18 26, and part 2 of article 28 of this ~~title~~ TITLE 30 and ~~article 18 of title 12,~~
19 part 2 of article 6 of title 25, article 3 of title 29, PART 5 OF ARTICLE 15 OF
20 TITLE 30, and article 5 of title 41, ~~C.R.S.~~, unless the context otherwise
21 requires:

22 **SECTION 8.** In Colorado Revised Statutes, 31-15-401, **amend**
23 (1)(n) as follows:

24 **31-15-401. General police powers.** (1) In relation to the general
25 police power, the governing bodies of municipalities have the following
26 powers:

27 (n) To regulate and license pawnbrokers as provided in ~~section~~

1 ~~12-56-102, C.R.S.~~ SECTION 29-11.9-102;

2 **SECTION 9. Repeal of relocated provisions in this act.** In
3 Colorado Revised Statutes, **repeal** articles 18, 25.5, and 56 of title 12.

4 **SECTION 10. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2018 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.