

## CHAPTER 87

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**CRIMINAL LAW AND PROCEDURE**


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**SENATE BILL 19-014**

BY SENATOR(S) Coram, Cooke, Gardner, Scott, Smallwood, Tate;  
 also REPRESENTATIVE(S) Carver and Tipper, Bird, Bockenfeld, Buentello, Catlin, Gray, Humphrey, Liston, McKean, Roberts,  
 Snyder, Titone, Wilson, Becker.

**AN ACT****CONCERNING REQUIREMENTS THAT SECONDHAND DEALERS RECORD TRANSACTIONS INVOLVING STORE VALUE CARDS.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 18-13-117 as follows:

**18-13-117. Record of sales.** (1) (a) Every secondhand dealer or any person who is a dealer of new goods who is a retailer and sells such goods at a flea market or similar facility or any nonpermanent location shall keep and preserve suitable records of sales made by him OR HER and such other books or accounts as may be necessary to determine the amount of tax for the collection of which he OR SHE is liable under part 1 of article 26 of title 39. ~~C.R.S.~~ It is the duty of every such person to keep and preserve for a period of three years all invoices of goods and merchandise purchased for resale, INCLUDING A STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD, and all such books, invoices, and other records shall be open for examination at any time by the executive director of the department of revenue, his OR HER duly authorized agent, or any peace officer.

(b) EVERY SECONDHAND DEALER OR ANY PERSON WHO IS A DEALER OF NEW GOODS WHO IS A RETAILER AND SELLS SUCH GOODS AT A FLEA MARKET OR SIMILAR FACILITY OR ANY NONPERMANENT LOCATION SHALL RECORD THE PURCHASE OF A STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD FOR RESALE IN A REGISTER, AS DESCRIBED IN SECTION 18-16-105, THAT IS ACCESSIBLE TO LAW ENFORCEMENT.

(2) (a) Any person who violates any of the provisions of ~~subsection (1)~~ SUBSECTION (1)(a) of this section commits a class 3 misdemeanor.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(b) ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (1)(b) OF THIS SECTION COMMITS A CLASS 3 MISDEMEANOR IF THE VALUE OF THE STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD IS THIRTY DOLLARS OR GREATER OR IF THE VALUE OF STORE CREDITS, GIFT CARDS, OR MERCHANDISE CARDS PURCHASED IN ONE TRANSACTION IS THIRTY DOLLARS OR GREATER, ANY OTHER VIOLATION OF THE PROVISIONS OF SUBSECTION (1)(b) OF THIS SECTION IS A PETTY OFFENSE.

**SECTION 2.** In Colorado Revised Statutes, 18-16-102, **amend** the introductory portion; and **add** (7)(c) as follows:

**18-16-102. Definitions.** As used in this ~~article~~ ARTICLE 16, unless the context otherwise requires:

(7) (c) "VALUABLE ARTICLE" ALSO INCLUDES A STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD OF ANY VALUE NOT ISSUED BY THE PERSON.

**SECTION 3.** In Colorado Revised Statutes, 29-11.9-103, **amend** (1), (2), (3), and (4) as follows:

**29-11.9-103. Required acts of pawnbrokers.** (1) A pawnbroker shall ~~keep a numerical register or other tangible or electronic record in which the pawnbroker shall~~ record the following information IN A REGISTER, AS DESCRIBED IN SECTION 18-16-105: The name, address, and date of birth of the customer and the driver's license number or other identification number from any other form of identification that is allowed for the sale of valuable articles pursuant to section 18-16-103 or for the sale of secondhand property pursuant to section 18-13-114; the date, time, and place of the contract for purchase or purchase transaction; ~~and~~ an accurate and detailed account and description of each item of tangible personal property, including but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying marks on such property; AND, FOR A STORE CREDIT, GIFT CARD, OR MERCHANDISE CARD, THE IDENTIFICATION NUMBER, NAME OF THE RETAILER, AND THE VALUE OF CREDIT OR CARD. The pawnbroker shall also obtain a written declaration of the customer's ownership, which shall state that the tangible personal property is totally owned by the customer, or shall have attached to the declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

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

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

(4) The pawnbroker shall keep each ~~register or other tangible or~~ electronic record for at least three years after the date of the last transaction entered in the register.

**SECTION 4. Act subject to petition - effective date - applicability.** (1) This

act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Approved: April 8, 2019