

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0416.01 Yelana Love x2295

HOUSE BILL 24-1151

HOUSE SPONSORSHIP

Ricks,

SENATE SPONSORSHIP

(None),

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.

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 ADVERTISE A PRICE FOR A PRODUCT, GOOD, OR SERVICE UNLESS THE PRICE
17 INCLUDES ALL MANDATORY OR NONDISCRETIONARY FEES OR CHARGES
18 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 RETAIL FOOD ESTABLISHMENT, AS DEFINED IN SECTION
5 25-4-1602 (14), OR AN ESTABLISHMENT IN THE ALCOHOLIC BEVERAGES
6 DRINKING PLACES INDUSTRY, AS DEFINED IN SECTION 39-26-105
7 (1.3)(a)(I), MAY COMPLY WITH SUBSECTION (1) OF THIS SECTION BY
8 PROVIDING NOTICE OF ALL MANDATORY OR NONDISCRETIONARY FEES OR
9 CHARGES:

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

13 (II) ON THE RETAIL FOOD ESTABLISHMENT'S WEBSITE WHERE
14 PRICES ARE ADVERTISED.

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

16 (a) A BANK, AS DEFINED IN SECTION 11-101-401 (5);

17 (b) A CREDIT UNION ORGANIZED PURSUANT TO SECTION 11-30-101
18 (2);

19 (c) A SAVINGS AND LOAN ASSOCIATION, AS DEFINED IN SECTION
20 11-40-103;

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

24 (e) A POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION
25 44-20-402 (12); A USED POWERSPORTS VEHICLE DEALER, AS DEFINED IN
26 SECTION 44-20-402 (20); A MOTOR VEHICLE DEALER, AS DEFINED IN
27 SECTION 44-20-102 (18); OR A USED MOTOR VEHICLE DEALER, AS DEFINED

1 IN SECTION 44-20-102 (26), IF SUCH DEALER IS REQUIRED BY THE MOTOR
2 VEHICLE DEALER BOARD, CREATED IN SECTION 44-20-103 (1), TO DISCLOSE
3 ALL MANDATORY OR NONDISCRETIONARY FEES OR CHARGES.

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

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

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

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly; except that, if a referendum petition is filed pursuant
14 to section 1 (3) of article V of the state constitution against this act or an
15 item, section, or part of this act within such period, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2024 and, in such case, will take
18 effect on the date of the official declaration of the vote thereon by the
19 governor.

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