

CHAPTER 118

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 95-1039

BY REPRESENTATIVES Epps, Lyle, Armstrong, Dean, Hernandez, Knox, Martin, Morrison, and Prinzler;
also SENATORS Mutzebaugh, Bishop, Johnson, R. Powers, and Tanner.

AN ACT**CONCERNING AMENDMENTS TO THE STATUTES RELATING TO UNSOLICITED GOODS.**

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

SECTION 1. 6-6-103, Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended to read:

6-6-103. Collections prohibited - penalty. (1) No sender of any unsolicited goods shall mail OR OTHERWISE SEND to any recipient of such unsolicited goods a bill for such unsolicited goods or any dunning communications.

(2) (a) THE SENDER OF A MAGAZINE OR OTHER PERIODICAL SHALL CANCEL A SUBSCRIPTION IF ANY INVOICE IS RETURNED BY THE RECIPIENT MARKED "CANCEL". CANCELLATION SHALL ALSO OCCUR WHEN THE RECIPIENT GIVES WRITTEN NOTICE OF CANCELLATION TO THE SENDER AT THE SENDER'S ADDRESS OR AT THE ADDRESS OF THE SUBSCRIPTION DEPARTMENT PRINTED IN THE PERIODICAL, OR, IF NO SUCH DEPARTMENT IS LISTED, AT THE GENERAL BUSINESS ADDRESS OF THE PERIODICAL.

(b) NOTICE OF CANCELLATION MAY BE GIVEN BY REGULAR MAIL, AND IS EFFECTIVE ON THE DATE RECEIVED BY THE SENDER. NOTICE OF CANCELLATION NEED NOT TAKE ANY PARTICULAR FORM AND IS SUFFICIENT IF IT INDICATES BY ANY FORM OF WRITTEN EXPRESSION THAT THE RECIPIENT WISHES TO TERMINATE THE SUBSCRIPTION. WITHIN SIXTY DAYS AFTER NOTICE OF CANCELLATION FOR PREPAID SUBSCRIPTIONS, THE SENDER SHALL REFUND TO THE RECIPIENT ANY AMOUNT PAID FOR THE SUBSCRIPTION LESS THE AMOUNT OWED BY THE RECIPIENT FOR ANY PERIODICALS, TOGETHER WITH THE POSTAGE THEREON, IF POSTAGE HAS BEEN CHARGED SEPARATELY, RECEIVED BEFORE THE EFFECTIVE DATE OF THE NOTICE OF CANCELLATION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) FOR PURPOSES OF THIS SUBSECTION (2), "SENDER" MEANS THE PUBLISHER OF A PERIODICAL, ANY PERSON ACTING AS THE AGENT OF SUCH PUBLISHER, AND ANY PERSON PURPORTING TO ACT AS THE AGENT OF SUCH PUBLISHER, AND A SELLER OF THE PERIODICAL.

(3) Violation of this section shall constitute a class 2 petty offense, and, upon conviction thereof, the violator shall be punished by a fine of not more than two hundred fifty dollars. Violation of this section shall also constitute a deceptive trade practice in violation of the "Colorado Consumer Protection Act", article 1 of this title, and shall be subject to remedies or penalties, or both, pursuant thereto.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1995, and shall apply to acts occurring on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 4, 1995