

## CHAPTER 120

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**CONSUMER AND COMMERCIAL TRANSACTIONS**

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**HOUSE BILL 97-1309**

BY REPRESENTATIVES Leyba, Hagedorn, and Veiga;  
also SENATORS Matsunaka, Linkhart, Norton, Powers, and Rupert.

**AN ACT**

CONCERNING RESTRICTIONS RELATING TO TELEPHONE SOLICITATIONS UNDER THE "COLORADO CHARITABLE SOLICITATIONS ACT".

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

**SECTION 1.** Article 16 of title 6, Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**6-16-105.3. Solicitations by telephone.** (1) IN ADDITION TO ANY OTHER DISCLOSURE REQUIRED FOR SOLICITATIONS BY TELEPHONE UNDER SECTION 6-16-105, A PAID SOLICITOR AS DEFINED IN SECTION 6-16-103 (7) WHO MAKES AN ORAL SOLICITATION TO ANY PERSON BY A TELEPHONE CALL RECEIVED IN COLORADO REGARDING A CHARITABLE CONTRIBUTION SHALL MAKE THE FOLLOWING ORAL DISCLOSURES AS PART OF THE TELEPHONE SOLICITATION:

(a) A STATEMENT THAT THE PERSON SOLICITING THE CHARITABLE CONTRIBUTION BY TELEPHONE IS PAID TO MAKE SUCH SOLICITATION;

(b) THE NAME OF THE TELEMARKETING COMPANY THAT EMPLOYS THE PAID SOLICITOR;

(c) THE NAME AND TELEPHONE NUMBER OF THE CHARITABLE ORGANIZATION ON WHOSE BEHALF THE PAID SOLICITOR IS MAKING THE SOLICITATION;

(d) A STATEMENT THAT THE PERSON TO WHOM THE SOLICITATION IS MADE SHALL HAVE THE RIGHT TO RESCIND ANY AGREEMENT OR PLEDGE TO MAKE A CHARITABLE CONTRIBUTION WITHIN THE TIME PERIOD SPECIFIED IN SECTION 6-16-106;

(e) A STATEMENT THAT THE CHARITABLE CONTRIBUTION IS NOT TAX DEDUCTIBLE,

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

IF SUCH IS THE CASE; AND

(f) UPON REQUEST BY A PERSON FROM WHOM A CHARITABLE CONTRIBUTION IS SOUGHT, THE PERCENTAGE OF THE CONTRIBUTION THAT WILL BE PAID TO THE CHARITABLE ORGANIZATION AS A RESULT OF SUCH PERSON'S CONTRIBUTION.

(2) A VOLUNTEER AS DEFINED IN SECTION 6-16-103 (12) WHO MAKES AN ORAL SOLICITATION TO ANY PERSON BY A TELEPHONE CALL RECEIVED IN COLORADO REGARDING A CHARITABLE CONTRIBUTION IS SUBJECT TO THE DISCLOSURE REQUIRED UNDER PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS RESTRICTING, SUPERSEDING, ABROGATING, OR CONTRAVENING ANY STATE OR FEDERAL LAW OR REGULATION REGARDING CHARITABLE SOLICITATIONS.

**SECTION 2. Effective date.** This act shall take effect July 1, 1997.

**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: April 24, 1997