

CHAPTER 50

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 09-1052

BY REPRESENTATIVE(S) Waller, Court, Labuda, Priola, Ryden, Scanlan, Soper, Todd, Balmer, Carroll T., Frangas, Hullinghorst, Looper, Stephens;
also SENATOR(S) Heath, Boyd, Foster, Newell.

AN ACT**CONCERNING LIMITATIONS ON THE SOLICITATION OF DONATED ITEMS THAT WILL BE SOLD FOR PROFIT.**

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

SECTION 1. 6-16-105.5 (1) and the introductory portion to 6-16-105.5 (2), Colorado Revised Statutes, are amended to read:

6-16-105.5. Solicitations by container - disclosures. (1) (a) No person or charitable organization, or agent of a person or charitable organization, whether paid or not paid, shall place any container offering a product for sale or distribution in a public place for solicitation purposes unless the container is affixed with a disclosure label conspicuously displaying the information set forth in subsection (2) of this section in a typed or printed clearly legible form.

(b) (I) A PERSON OTHER THAN AN ORGANIZATION THAT HAS RECEIVED A DETERMINATION THAT IT IS EXEMPT UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, WHO PLACES A CONTAINER IN A PUBLIC PLACE FOR SOLICITATION PURPOSES AND WHO DOES NOT DIRECT ALL OF THE ITEMS PLACED IN THE CONTAINER TO A CHARITABLE PURPOSE OR, IF THE ITEMS ARE SOLD, DOES NOT DIRECT ALL PROCEEDS OF SUCH SALE TO A CHARITABLE PURPOSE, SHALL AFFIX TO THE CONTAINER A DISCLOSURE LABEL THAT CLEARLY AND CONSPICUOUSLY DISPLAYS THE FOLLOWING LEGEND:

**DONATED ITEMS WILL BE SOLD FOR PROFIT
THE VALUE OF ITEMS PLACED IN THIS CONTAINER IS NOT TAX-DEDUCTIBLE.**

(II) THIS PARAGRAPH (b) SHALL NOT APPLY TO CONTAINERS USED EXCLUSIVELY

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

FOR THE COLLECTION OF USED PAPER, CARDBOARD, MOTOR OIL, BOTTLES, CANS, OR OTHER CONTAINERS OR MATERIALS FOR RECYCLING OR WASTE DIVERSION PURPOSES.

(2) The disclosure label required pursuant to PARAGRAPH (a) OF subsection (1) of this section shall state the following:

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 24, 2009

Editor's note: The August 4 date specified in the effective date section of this act reflects the ninetieth day, therefore the act takes effect at 12:01 a.m. on August 5, 2009.