

SB21-091

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATORS Liston and Rodriguez

1 Amend printed bill, page 2, line 4, strike "**definition.**" and substitute  
2 "**definitions.**".

3 Page 2, strike lines 9 through 11 and substitute "payment by cash, check,  
4 or similar means IN ACCORDANCE WITH SUBSECTION (1)(c) OF THIS  
5 SECTION.".

6 Page 2, strike lines 16 through 18 and substitute:

7         "(c) A SELLER OR LESSOR MAY IMPOSE A SURCHARGE PURSUANT  
8 TO EITHER SUBSECTION (1)(c)(I) OR (1)(c)(II) AS FOLLOWS:

9             (I) AN AMOUNT NOT TO EXCEED TWO PERCENT OF THE TOTAL COST  
10 TO THE BUYER OR LESSEE FOR THE SALES OR LEASE TRANSACTION. A  
11 SELLER OR LESSOR THAT IMPOSES A SURCHARGE ON CREDIT OR CHARGE  
12 CARDS SHALL POST SIGNAGE AT THE SELLER'S OR LESSOR'S PREMISES IN A  
13 MANNER THAT IS VISIBLE TO CUSTOMERS OR, FOR A SALES OR LEASE  
14 TRANSACTION MADE ONLINE, DISPLAY BEFORE AN ONLINE CUSTOMER'S  
15 COMPLETION OF THE SALES OR LEASE TRANSACTION IN A MANNER THAT IS  
16 VISIBLE TO THE ONLINE CUSTOMER, THE FOLLOWING LANGUAGE:

17             **TO COVER THE COST OF PROCESSING A CREDIT OR**  
18 **CHARGE CARD TRANSACTION, AND PURSUANT TO SECTION**  
19 **5-2-212, COLORADO REVISED STATUTES, A SELLER OR**  
20 **LESSOR MAY IMPOSE A PROCESSING SURCHARGE IN AN**  
21 **AMOUNT NOT TO EXCEED 2% OF THE TOTAL PAYMENT**  
22 **MADE FOR GOODS OR SERVICES PURCHASED OR LEASED**  
23 **BY USE OF A CREDIT OR CHARGE CARD. A SELLER OR**  
24 **LESSOR SHALL NOT IMPOSE A PROCESSING SURCHARGE**  
25 **ON PAYMENTS MADE BY USE OF A DEBIT CARD OR**  
26 **REDEMPTION OF A GIFT CARD.**

27             (II) (A) AN AMOUNT NOT TO EXCEED THE MERCHANT DISCOUNT  
28 FEE THAT THE SELLER OR LESSOR INCURS IN PROCESSING THE SALES OR  
29 LEASE TRANSACTION. THE SELLER'S OR LESSOR'S SERVICE PROVIDER SHALL  
30 CALCULATE THE SURCHARGE AT AN AMOUNT NOT TO EXCEED THE ACTUAL  
31 AMOUNT PAID TO THE PROCESSOR OR SERVICE PROVIDER TO PROCESS THE  
32 TRANSACTION.

33             (B) A SELLER OR LESSOR SHALL POST SIGNAGE AT THE SELLER'S OR  
34 LESSOR'S PREMISES IN A MANNER THAT IS VISIBLE TO CUSTOMERS OR, FOR  
35 A SALES OR LEASE TRANSACTION MADE ONLINE, DISPLAY BEFORE AN  
36 ONLINE CUSTOMER'S COMPLETION OF THE SALES OR LEASE TRANSACTION  
37 IN A MANNER THAT IS VISIBLE TO THE ONLINE CUSTOMER, THE FOLLOWING  
38 LANGUAGE:

1           **TO COVER THE COST OF PROCESSING A CREDIT OR**  
2           **CHARGE CARD TRANSACTION, AND PURSUANT TO SECTION**  
3           **5-2-212, COLORADO REVISED STATUTES, A SELLER OR**  
4           **LESSOR MAY IMPOSE A PROCESSING SURCHARGE IN AN**  
5           **AMOUNT NOT TO EXCEED THE MERCHANT DISCOUNT FEE**  
6           **THAT THE SELLER OR LESSOR INCURS IN PROCESSING THE**  
7           **SALES OR LEASE TRANSACTION. A SELLER OR LESSOR**  
8           **SHALL NOT IMPOSE A PROCESSING SURCHARGE ON**  
9           **PAYMENTS MADE BY USE OF A DEBIT CARD OR**  
10           **REDEMPTION OF A GIFT CARD.**

11           (C) THE SERVICE PROVIDER SHALL PROVIDE THE SELLER OR LESSOR  
12           WITH THE MEANS TO MAKE THE DISCLOSURE REQUIRED BY THIS  
13           SUBSECTION (1)(c)(II).

14           (d) FOR ANY GOODS OR SERVICES PURCHASED OR LEASED  
15           THROUGH PAYMENT BY CREDIT OR CHARGE CARD, THE SELLER, LESSOR, OR  
16           SERVICE PROVIDER SHALL PROVIDE AS A SEPARATE LINE ITEM ON THE  
17           CUSTOMER'S RECEIPT THE SURCHARGE AMOUNT IMPOSED PURSUANT TO  
18           SUBSECTION (1)(c) OF THIS SECTION.

19           (e) A SELLER OR LESSOR MAY IMPOSE ONLY A SINGLE CREDIT OR  
20           CHARGE CARD SURCHARGE PER SALES OR LEASE TRANSACTION PURSUANT  
21           TO SUBSECTION (1)(a) OF THIS SECTION.

22           (f) A SELLER OR LESSOR SHALL NOT IMPOSE A SURCHARGE IF A  
23           CUSTOMER ELECTS TO PAY FOR GOODS OR SERVICES BY:

24           (I) USING A DEBIT CARD, WHETHER OR NOT A PERSONAL  
25           IDENTIFICATION NUMBER IS USED;

26           (II) PROCESSING A PAYMENT AS A DEBIT PAYMENT; OR

27           (III) REDEEMING A GIFT CARD.

28           (f) (g) For purposes of this section, AS USED IN THIS SUBSECTION  
29           (1):

30           (I) "Charge card" includes those cards pursuant to which unpaid  
31           balances are payable on demand.

32           (II) "MERCHANT DISCOUNT FEE" MEANS THE ACTUAL FEE,  
33           EXPRESSED AS A PERCENTAGE OR FIXED AMOUNT OF THE TOTAL  
34           TRANSACTION AMOUNT, THAT A SELLER OR LESSOR PAYS ITS PROCESSOR  
35           OR SERVICE PROVIDER TO PROCESS THE TRANSACTION.".

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