

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

PREAMENDED

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

LLS NO. 26-0560.01 Eden Rolland x2373

HOUSE BILL 26-1025

HOUSE SPONSORSHIP

Caldwell and Martinez,

SENATE SPONSORSHIP

Roberts,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FOR AUCTIONEERS FROM CERTAIN**
102 **REQUIREMENTS OF THE "COLORADO CHARITABLE**
103 **SOLICITATIONS ACT".**

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 "Colorado Charitable Solicitations Act" (act) defines a "paid solicitor" as a person that, for monetary compensation, performs a service in which contributions are solicited in Colorado for a charitable purpose or for the benefit of a charitable organization. Before soliciting contributions or otherwise acting as a paid solicitor, a person that wants

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.

to act as a paid solicitor must first do the following:

- Register with the secretary of state by submitting an application or annual renewal form, together with certain required information and disclosures about the applicant;
- File with the secretary of state evidence of having procured a bond in the amount of \$15,000 issued by a licensed corporate surety or an alternative form of financial security such as a savings account, deposit, or certificate of deposit available in Colorado; and
- Pay the required registration filing fee, as established by the secretary of state.

Additionally, after registering, a paid solicitor is responsible for doing the following:

- Filing solicitation notices with the secretary of state in advance of commencing a solicitation campaign;
- If the paid solicitor has custody of monetary contributions, depositing the monetary contributions at a bank or other federally insured financial institution within 2 business days after receipt; and
- At the conclusion of a solicitation campaign, or annually if the campaign is ongoing, providing to the charitable organization and filing with the secretary of state a financial report of the solicitation campaign.

The bill excludes from the definition of "paid solicitor" an auctioneer who provides auctioneer services to a charitable organization. As a result, the auctioneer is exempted from the act's registration, bond, and other requirements of paid solicitors. The exemption applies regardless of whether the auctioneer is contracted or paid to provide their auctioneer services to the charitable organization or is volunteering their auctioneer services to the charitable organization without compensation. To be exempted from the act's requirements of paid solicitors, an auctioneer who provides auctioneer services to a charitable organization may not directly receive or handle monetary donations or charitable funding on behalf of the organization with which the auctioneer is contracted or volunteering.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-16-103, **amend** the
3 introductory portion, (7) introductory portion, (7)(g), and (7)(h); and **add**
4 (7)(i) as follows:

5 **6-16-103. Definitions.**

1 As used in this ~~article~~ ARTICLE 16, unless the context otherwise
2 requires:

3 (7) "Paid solicitor" means a person ~~who~~ THAT, for monetary
4 compensation, performs ~~any~~ A service in which contributions will be
5 solicited in this state by such compensated person or ~~by~~ any PERSON THAT
6 THE compensated person ~~he or she~~ employs, procures, or engages to
7 solicit for contributions. The following persons are not "paid solicitors":

8 (g) A person ~~who~~ THAT prepares a grant application for a
9 charitable organization or purpose, unless the person's compensation is
10 computed on the basis of ~~funds~~ FUNDING to be raised or actually raised as
11 a result of the grant application; ~~or~~

12 (h) A person ~~who~~ THAT provides ~~any~~ A service or product to a
13 charitable organization who does not directly solicit for a charitable
14 contribution; OR

15 (i) AN INDIVIDUAL WHO PROVIDES SERVICES AS AN AUCTIONEER
16 TO A CHARITABLE ORGANIZATION IF THE INDIVIDUAL:

17 (I) (A) IS CONTRACTED OR PAID TO PROVIDE THEIR SERVICES AS AN
18 AUCTIONEER TO A CHARITABLE ORGANIZATION; OR

19 (B) IS VOLUNTEERING THEIR SERVICES AS AN AUCTIONEER TO A
20 CHARITABLE ORGANIZATION WITHOUT COMPENSATION; AND

21 (II) DOES NOT DIRECTLY RECEIVE OR HANDLE CONTRIBUTIONS OR
22 CHARITABLE FUNDING ON BEHALF OF THE CHARITABLE ORGANIZATION FOR
23 WHICH THE INDIVIDUAL PROVIDES AUCTIONEER SERVICES.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.