

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 17-228

BY SENATOR(S) Gardner, Cooke, Guzman, Holbert, Kagan, Baumgardner, Crowder, Kefalas, Lambert, Martinez Humenik, Tate; also REPRESENTATIVE(S) Wist, Foote, Herod, Lee, Willett, Arndt, Gray, Hooton, Lontine, Neville P., Pabon, Rosenthal.

CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS RELATED TO LICENSES GRANTED BY LOCAL GOVERNMENTS FROM TITLE 12, COLORADO REVISED STATUTES, AS PART OF THE ORGANIZATIONAL RECODIFICATION OF TITLE 12.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** part 5 to article 15 of title 30 as follows:

PART 5 DANCE HALLS

30-15-501. [Formerly 12-18-101] License required. No person, partnership, or corporation shall operate, conduct, carry on, or maintain a public dance hall, booth, pavilion, or other place where public dances are held without first obtaining a license therefor. Any person, firm, or corporation desiring such license shall make application therefor in writing

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

to the board of county commissioners of the county in which ~~such~~ THE public dance hall, booth, pavilion, or other place is proposed to be located. ~~Such~~ THE application shall state the name and address of the applicant, if a person; the names and addresses of all the persons composing the partnership, if a partnership; and the names and addresses of the officers and directors of the corporation, if a corporation; a full description of the place and premises at which it is proposed to conduct and carry on such public dances; and the term for which ~~such~~ THE license is desired. The board of county commissioners has the authority, within its discretion, to grant such license to ~~such~~ AN applicant for the current calendar year or part thereof unexpired upon the payment by ~~said~~ THE applicant of a fee of twenty-five dollars to the county treasurer. ~~Such~~ THE license shall authorize the person, firm, or corporation receiving it to operate, conduct, and carry on a public dance hall, booth, or pavilion at such place for the term from the date of its issue to the end of the current calendar year for which it is issued. This ~~article~~ PART 5 shall not apply to incorporated cities and towns.

30-15-502. [Formerly 12-18-102] License not transferable. No license issued under the provisions of this ~~article~~ PART 5 shall be assigned or transferred by the person, firm, or corporation to whom it is issued, and no license shall be available or used for more than one particular place, building, or premises described in the application and in ~~such~~ THE license.

30-15-503. [Formerly 12-18-103] Revocation or cancellation of licenses. The board of county commissioners issuing such licenses has full power and authority, at its discretion, to revoke and cancel any license issued by ~~such~~ THE board under this ~~article~~ PART 5 whenever ~~such~~ THE board, by proper resolution, determines that the public morals or public safety or public health of the community requires ~~such~~ revocation or cancellation.

30-15-504. [Formerly 12-18-104] Penalty. Any person violating any of the provisions of this ~~article~~ PART 5 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars for each offense, or by imprisonment in the county jail for not less than ten days nor more than thirty days for each offense, or by both such fine and imprisonment.

30-15-505. [Formerly 12-18-105] Jurisdiction. The county court of the county wherein such licenses are issued has full jurisdiction to try

and punish all cases for violation of the provisions of this ~~article~~ PART 5, subject to the right of appeal in such cases as provided by law.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** article 11.8 to title 29 as follows:

ARTICLE 11.8
Escort Services

29-11.8-101. [Formerly 12-25.5-101] Short title. ~~This article shall be known and may be cited as~~ THE SHORT TITLE OF THIS ARTICLE 11.8 IS the "Colorado Escort Service Code".

29-11.8-102. [Formerly 12-25.5-102] Legislative declaration.

(1) The general assembly hereby declares that this ~~article~~ ARTICLE 11.8 shall be deemed an exercise of the police powers of the state for the protection of the economic and social welfare and the health, welfare, and safety of the people of this state.

(2) The general assembly further declares that the licensing and regulation of escort bureaus are matters of statewide concern; therefore, this ~~article~~ ARTICLE 11.8 shall be applicable in every city, town, county, and city and county in this state.

29-11.8-103. [Formerly 12-25.5-103] Definitions. As used in this ~~article~~ ARTICLE 11.8, unless the context otherwise requires:

(1) "Escort" means any person who, for a salary, fee, commission, hire, or profit, makes himself OR HERSELF available to the public for the purpose of accompanying other persons for companionship.

(2) "Escort bureau" means any business, agency, or person who, for a fee, commission, hire, or profit, furnishes or arranges for persons to accompany other persons for companionship.

(3) "Escort bureau runner" means any person who, for a salary, fee, hire, or profit, acts in the capacity of an agent for an escort bureau by contacting or meeting with escort patrons whether or not ~~said~~ THE person is employed by such escort bureau or by another business or is self-employed.

(4) "Escort patron" means any person who seeks the services of an escort, escort bureau, or escort bureau runner.

(5) "Licensed premises" means that single, discrete, identifiable location at which a licensed activity is permitted and, in fact, is conducted under the authority of any one license.

(6) "Local licensing authority" means the governing body of a municipality or city and county, the board of county commissioners of a county, or any authority designated by municipal or county charter, municipal resolution or ordinance, or county resolution or ordinance.

(7) "Person" means a natural person, partnership, association, company, corporation, or organization or a managing agent, servant, officer, partner, owner, operator, or employee of any of them.

29-11.8-104. [Formerly 12-25.5-104] License required. (1) No person shall hold himself OR HERSELF out to the public as an escort, or accept compensation as an escort, without having first secured a license therefor from the local licensing authority.

(2) No person shall conduct, manage, or carry on an escort bureau without having first secured a license therefor from the local licensing authority.

(3) No person shall represent himself OR HERSELF as an escort bureau runner, or accept compensation as an escort bureau runner, without having first secured a license therefor from the local licensing authority.

(4) Licenses issued under this ~~article~~ ARTICLE 11.8 shall be valid only within the boundaries of the local licensing authority.

29-11.8-105. [Formerly 12-25.5-105] Licensing - general provisions. (1) All licenses granted pursuant to the provisions of this ~~article~~ ARTICLE 11.8 shall be valid for a period of one year from the date of their issuance unless revoked or suspended pursuant to ~~section 12-25.5-108 or 12-25.5-113~~ SECTION 29-11.8-108 OR 29-11.8-113.

(2) Application for the renewal of an existing license shall be made to the local licensing authority not less than forty-five days prior to the date

of expiration. The local licensing authority may cause a hearing on the application for renewal to be held. No such renewal hearing shall be held by the local licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license for good cause, subject to judicial review.

(3) Each license issued under this ~~article~~ ARTICLE 11.8 is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which ~~he~~ THE PERSON holds. A separate license must be obtained by each person wishing to exercise any of the privileges governed by this ~~article~~ ARTICLE 11.8 and for each geographical location at or from which any person wishes to conduct business as an escort, escort bureau, or escort bureau runner.

(4) No license granted under the provisions of this ~~article~~ ARTICLE 11.8 may be transferred or assigned, with or without consideration, without the consent of the local licensing authority. Any attempted transfer or assignment without the consent of the local licensing authority shall render the applicable license void.

(5) No changes of location for licensed premises shall be allowed without the consent of the local licensing authority. Any attempted change of location for licensed premises without the consent of the local licensing authority shall render the applicable license void.

(6) When a license has been issued to a husband and wife, the death of a spouse shall not require the surviving spouse to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to ~~such~~ THE survivor for the balance of the license.

(7) The licenses provided pursuant to this ~~article~~ ARTICLE 11.8 shall specify the date of issuance, the period which is covered, the name of the licensee, and the premises licensed. ~~Said~~ THE license shall be conspicuously displayed at all times in the licensed premises of any person thereby licensed.

29-11.8-106. [Formerly 12-25.5-106] Application to local

licensing authority - minimum qualifications - issuance - definition.

(1) Application for a license under the provisions of this ~~article~~ ARTICLE 11.8 shall be made to the local licensing authority on forms prepared and furnished by the local licensing authority, which shall set forth such information as the local licensing authority may require to enable the authority to determine whether a license should be granted. ~~Such~~ THE information shall include the name and address of the applicant and, if a partnership, also the names and addresses of all the partners and, if a corporation, association, or other organization, also the names and addresses of the president, vice-president, secretary, and managing officer, together with all other information deemed necessary by the local licensing authority. Each application shall be verified by the oath or affirmation of such persons as the local licensing authority may prescribe. The local licensing authority may require payment of a reasonable processing fee with each application, which fee shall not exceed three hundred dollars for an escort bureau license application and two hundred dollars for an escort license application.

(2) (a) No individual shall be issued a license as an escort or as an escort bureau runner unless he OR SHE:

(I) Has attained eighteen years of age;

(II) Is a resident of the state of Colorado.

(b) No person shall be issued a license as an escort bureau, and no person other than an individual shall be issued a license as an escort bureau runner unless:

(I) If an individual, he OR SHE has attained the age of eighteen years;
or

(II) If a partnership or limited partnership, all partners have attained the age of eighteen years; or

(III) If a corporation, the directors and all officers ~~thereof~~ OF THE CORPORATION have attained the age of eighteen years; and

(IV) If an individual, he OR SHE is a resident of this state for six weeks immediately prior to the filing of the application with the local

licensing authority; or

(V) If a partnership or limited partnership, all of the partners thereof are residents of this state for six weeks immediately prior to the filing of the application with the local licensing authority; or

(VI) If a corporation, the directors and all of the officers ~~thereof~~ OF THE CORPORATION are residents of this state for six weeks immediately prior to the filing of the application with the local licensing authority; and

(VII) If a corporation, the corporation is qualified with the secretary of state to do business in this state or is incorporated under the laws of this state.

(3) (a) Before granting or denying any license renewal or new license for which an application has been made, the local licensing authority or one or more of its agents or inspectors may visit and inspect the premises or property in or from which the applicant proposes to conduct his OR HER business and investigate the fitness to conduct ~~such~~ THE business of any person, including all officers and directors of any corporation, applying for a license. In investigating the fitness of any applicant, licensee, or employee or agent of the licensee or applicant, the local licensing authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the local licensing authority takes into consideration information concerning the applicant's or licensee's criminal history record, the local licensing authority shall also consider any information provided by the applicant or licensee regarding ~~such~~ THE criminal history record, including, but not limited to, evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of his OR HER application for a license or license renewal.

(b) As used in this subsection (3), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency ~~which~~ THAT performs the administration of criminal justice pursuant to a statute or executive order and ~~which~~ THAT allocates a substantial part of its annual budget to the administration of criminal justice.

(4) Every applicant, licensee, or agent or employee of ~~said~~ AN applicant or licensee, prior to commencing work for, in, or upon the premises of the escort bureau, shall obtain a photographic identity card from the designated law enforcement agency within the licensing jurisdiction in a form prescribed by the local licensing authority and shall carry ~~said~~ THE identity card at all times while in or upon the licensed premises or while acting as an escort or escort bureau runner.

(5) No escort bureau or escort bureau runner shall employ the services of any person who has not obtained a valid identity card.

29-11.8-107. [Formerly 12-25.5-107] Refusal of license by local licensing authority. The local licensing authority shall refuse a license if the character of the applicant or any of its officers, directors, or partners is such that violations of this ~~article~~ ARTICLE 11.8 would be likely to result if a license were granted or if the applicant or any of its officers, directors, or partners has held any license issued pursuant to this ~~article~~ ~~which~~ ARTICLE 11.8 THAT was suspended or revoked or for which renewal was denied within two years prior to the date of the application being acted upon. In the event that an otherwise disqualifying refusal, suspension, or revocation is pending judicial review, the local licensing authority shall postpone any action based on the subject matter of the pending review until ~~said~~ THE review is finally determined.

29-11.8-108. [Formerly 12-25.5-108] Suspension and revocation. In addition to any other penalties prescribed by this ~~article~~ ARTICLE 11.8, the local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by such authority for any violation by the licensee or by any of its agents, servants, or employees of the provisions of this ~~article~~ ARTICLE 11.8, or of any of the rules or regulations authorized pursuant to this ~~article~~ ARTICLE 11.8, or of any of the terms, conditions, or provisions of the license issued by such authority. The local licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books, and records reasonably necessary to the determination of any hearing which the local licensing authority conducts.

29-11.8-109. [Formerly 12-25.5-109] Persons prohibited as

licensees. (1) No license provided by this ~~article~~ ARTICLE 11.8 shall be issued to or held by:

(a) Any corporation, any of whose officers, directors, or stockholders holding over ten percent of the issued or outstanding capital stock thereof are not of good moral character;

(b) Any partnership, association, or company, any of whose officers, or any of whose members holding more than ten percent interest therein, are not of good moral character;

(c) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;

(d) A peace officer or any of the local licensing authority's inspectors or employees;

(e) Any person unless ~~he~~ THE PERSON is of good moral character.

(2) For purposes of determining good moral character, the local licensing authority may consider the criminal record of all applicants, including, but not limited to, any conviction or guilty plea to a charge based on acts of dishonesty, fraud, deceit, sexual misconduct, or prostitution-related misconduct of any kind, whether or not the acts were committed in this state.

29-11.8-110. [Formerly 12-25.5-110] License fees. (1) The following license fees shall be paid to the local licensing authority annually in advance:

(a) For the issuance of a new escort bureau license, an amount to be set by the local licensing authority, but in no event to exceed five thousand dollars;

(b) For each renewal of an escort bureau license, an amount to be set by the local licensing authority, but in no event to exceed five thousand dollars;

(c) For the issuance of a new escort or escort bureau runner license, an amount to be set by the local licensing authority, but in no event to

exceed five hundred dollars;

(d) For each renewal of an escort or escort bureau runner license, an amount to be set by the local licensing authority, but in no event to exceed two hundred fifty dollars.

29-11.8-111. [Formerly 12-25.5-111] Unlawful acts. (1) It is unlawful for any person:

(a) To operate an escort bureau without holding a currently valid local license;

(b) To work as an escort or escort bureau runner without a currently valid local license;

(c) To work as an escort or escort bureau runner without obtaining and carrying a valid identity card pursuant to ~~section 12-25.5-106 (4)~~ SECTION 29-11.8-106 (4);

(d) To allow the provision or procurement of any escort service to or for any person under the age of eighteen years without the written consent of such person's parent or legal guardian;

(e) To permit any person under the age of eighteen years to be employed as an employee in an escort bureau. If any person who, in fact, is not eighteen years of age exhibits a fraudulent proof of age, reasonable reliance on ~~such~~ THE fraudulent proof of age may constitute an affirmative defense to any action seeking the revocation or suspension of any license issued under this ~~article~~ ARTICLE 11.8 or to any criminal action arising because a person is not at least eighteen years of age.

29-11.8-112. [Formerly 12-25.5-112] Duties of escort bureau. (1) Every escort bureau shall refer all prospective escorts or escort bureau runners to the local licensing authority for licensing. Upon termination of employment of any escort or escort bureau runner with ~~such~~ AN escort bureau, the escort bureau shall notify the local licensing authority of such termination within five days.

(2) The escort bureau shall provide to each escort patron a written contract for services. The contract shall clearly state the name and address

of the escort and customer, the type of services to be performed, the length of time such services shall be performed, the total amount of money such services will cost the escort patron, and any special terms or conditions relating to the services to be performed. The contract shall include a statement in clear and concise language that prostitution is illegal in this state and that both parties to an act of prostitution may be punished by both fine and imprisonment and that no act of prostitution shall be performed in relation to the services for which contracted. Each contract shall be numbered and utilized in numerical sequence by the escort bureau. The contract shall be signed by the escort patron and a copy furnished to him OR HER. The escort bureau shall also retain copies of all such contracts, and one copy of each such contract executed in any calendar month shall be transmitted by the escort bureau to the local licensing authority no later than ten days after the last day of such month. The local licensing authority shall treat such contracts transmitted to them as open public records.

(3) Each escort bureau shall provide to each employee of the escort bureau a written notice that includes:

(a) A statement that human trafficking is prohibited in this state by the provisions of sections 18-3-503 and 18-3-504; ~~C.R.S.~~; and

(b) The name, telephone number, and internet website address of a local, statewide, or national organization that provides assistance to victims of human trafficking and slavery.

29-11.8-113. [Formerly 12-25.5-113] Violations - penalty.

(1) Any person violating any of the provisions of this ~~article~~ ARTICLE 11.8 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars for each offense, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. In addition to any other penalties, the court trying such offense may decree that any license theretofore issued under the provisions of this ~~article~~ ARTICLE 11.8 be suspended or revoked and may decree that no such license shall thereafter be issued to any such person for a period not to exceed five years.

(2) The penalties provided in this section shall not be affected by the penalties provided in any other section of this ~~article~~ ARTICLE 11.8 but shall be construed to be an addition to any other penalties.

(3) Any adult who causes a violation of the provisions of ~~section 12-25.5-111 (1) (d) or (1) (e)~~ SECTION 29-11.8-111 (1)(d) OR (1)(e) may be proceeded against pursuant to section 18-6-701, ~~C.R.S.~~, for contributing to the delinquency of a minor.

29-11.8-114. [Formerly 12-25.5-114] Powers - peace officers - local licensing authority. The peace officers of the city, town, county, or city and county or the duly authorized representatives of the local licensing authority authorized to enforce the provisions of this ~~article~~ ARTICLE 11.8, while engaged in performing their duties and while acting under proper orders or regulations, shall have and exercise all the powers vested in peace officers of the state, including the power to arrest and the authority to issue summons for violations of the provisions of this ~~article~~ ARTICLE 11.8.

29-11.8-115. [Formerly 12-25.5-115] Local government regulation. This ~~article~~ ARTICLE 11.8 is intended to provide minimum standards for the licensing of escort bureaus, escorts, and escort bureau runners. Nothing in this ~~article~~ ARTICLE 11.8 shall prohibit a local government from enacting an ordinance providing more stringent standards for such licensing, but such ordinance shall meet the minimum standards established by this ~~article~~ ARTICLE 11.8. To the extent that this ~~article~~ ARTICLE 11.8 directs implementation by local governments, all such implementing actions may be accomplished by resolution or by ordinance; and such implementing action shall be required upon a request to the local governing body for an application for a license to operate within the jurisdiction of ~~said~~ THE local governing body. Such a request shall not be acted upon until the implementing action by resolution or ordinance has been accomplished.

SECTION 3. In Colorado Revised Statutes, **add with amended and relocated provisions** article 11.9 to title 29 as follows:

ARTICLE 11.9
Pawnbrokers

29-11.9-101. [Formerly 12-56-101] Definitions. As used in this ~~article~~ ARTICLE 11.9, unless the context otherwise requires:

(1) "Contract for purchase" means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the

customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, to be no less than thirty days, has the option to cancel said contract.

(2) "Fixed price" means the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed

(a) ~~(Deleted by amendment, L. 2004, p. 392, § 1, effective August 4, 2004.)~~

(b) one-fifth of the original purchase price for each month, plus the original purchase price.

(3) "Fixed time" means that period of time, to be no less than thirty days, as set forth in a contract for purchase, for an option to cancel said contract.

(4) "Local law enforcement agency" means any marshal's office, police department, or sheriff's office with jurisdiction in the locality in which the customer enters into a contract for purchase or a purchase transaction.

(5) "Local licensing authority" means the governing body of a municipality or city and county in any incorporated area of the state and the board of county commissioners of a county in any unincorporated area of the state.

(6) "Option" means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be rescinded by the customer.

(7) "Pawnbroker" means a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his OR HER business.

(8) "Purchase transaction" means the purchase by a pawnbroker in the course of his OR HER business of tangible personal property for resale, other than newly manufactured tangible personal property which THAT has

not previously been sold at retail, when ~~such~~ THE purchase does not constitute a contract for purchase.

(9) "Tangible personal property" means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his OR HER business in connection with a contract for purchase or purchase transaction.

29-11.9-102. [Formerly 12-56-102] Local authority to license and regulate. Local licensing authorities may license pawnbrokers and require that pawnbrokers be bonded and insured and may enact regulations governing pawnbrokers, which regulations shall be at least as restrictive as the provisions of this ~~article~~ ARTICLE 11.9; except that the regulations shall be no more restrictive than this ~~article~~ ARTICLE 11.9 with respect to fixed time and fixed price.

29-11.9-103. [Formerly 12-56-103] Required acts of pawnbrokers. (1) A pawnbroker shall keep a numerical register or other tangible or electronic record in which the pawnbroker shall record the following information: The name, address, and date of birth of the customer, and the driver's license number or other identification number from any other form of identification that is allowed for the sale of valuable articles pursuant to section 18-16-103, ~~C.R.S.~~, or for the sale of secondhand property pursuant to section 18-13-114; ~~C.R.S.~~; the date, time, and place of the contract for purchase or purchase transaction; and an accurate and detailed account and description of each item of tangible personal property, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying marks on such property. The pawnbroker shall also obtain a written declaration of the customer's ownership, which shall state that the tangible personal property is totally owned by the customer, or shall have attached to ~~such~~ THE declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

(2) The customer shall sign the register or other tangible or electronic record and the declaration of ownership and shall receive a copy of the contract for purchase or a receipt of the purchase transaction.

(3) The register or other tangible or electronic record, as well as a copy of the contract for purchase or a receipt of the purchase transaction, shall be made available to any local law enforcement agency for inspection at any reasonable time.

(4) The pawnbroker shall keep each register or other tangible or electronic record for at least three years after the date of the last transaction entered in the register.

(5) A pawnbroker shall hold all contracted goods within his OR HER jurisdiction for a period of ten days following the maturity date of the contract for purchase, during which time ~~such~~ THE goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

(6) A pawnbroker shall hold all property purchased by him OR HER through a purchase transaction for thirty days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

(7) (a) Every pawnbroker shall provide the local law enforcement agency, on a weekly basis, with two records, on a form to be provided or approved by the local law enforcement agency, of all tangible personal property accepted during the preceding week and one copy of the customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register or other tangible or electronic record pursuant to subsection (1) of this section. The local law enforcement agency shall designate the day of the week on which the records and declarations shall be submitted.

(b) A local law enforcement agency is not required to use the information submitted pursuant to ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION to provide a benefit to the general public. The state and local governments may enact no further fees, charges, or taxes related to the use of the information provided to local law enforcement.

29-11.9-104. [Formerly 12-56-104] Prohibited acts - penalties.

(1) No pawnbroker shall enter into a contract for purchase or purchase

transaction with any individual under the age of eighteen years.

(2) With respect to a contract for purchase, no pawnbroker may permit any customer to become obligated on the same day in any way under more than one contract for purchase agreement with the pawnbroker ~~which~~ THAT would result in the pawnbroker obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one contract for purchase covering the same tangible personal property.

(3) (a) No pawnbroker shall violate the terms of the contract for purchase.

(b) A pawnbroker who violates the terms of a contract for purchase involving a fixed price as set forth in ~~section 12-56-101 (2)~~ SECTION 29-11.9-101 (2) commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501. ~~C.R.S.~~

(4) Except as otherwise provided in this section, any pawnbroker who violates any of the provisions of this ~~article~~ ARTICLE 11.9 commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, ~~C.R.S.~~, and upon a second or subsequent conviction of a violation of this ~~article~~ ARTICLE 11.9 within three years after the date of a prior conviction, a pawnbroker commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

(5) Any customer who knowingly gives false information with respect to the information required by ~~section 12-56-103 (1)~~ SECTION 29-11.9-103 (1) commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 5-1-202, **amend** (1)(d)(I) as follows:

5-1-202. Exclusions. (1) (d) (I) With respect to contracts for purchase entered into by a pawnbroker, as the terms are defined in ~~section 12-56-101, C.R.S.~~, SECTION 29-11.9-101, the rates and charges, and the disclosure of rates and charges, if the rates and charges do not exceed the fixed price permitted by ~~section 12-56-101 (2), C.R.S.~~ SECTION 29-11.9-101 (2). The exclusion in this ~~subparagraph (f)~~ SUBSECTION

(1)(d)(I) applies to pawnbrokers who are:

(A) Licensed by a local licensing authority pursuant to ~~section 12-56-102, C.R.S.~~ SECTION 29-11.9-102; or

(B) Regulated, with respect to rates and charges, by a local governing authority pursuant to ~~section 12-56-102, C.R.S.~~ SECTION 29-11.9-102.

SECTION 5. In Colorado Revised Statutes, 18-15-109, **amend** (1)(c) introductory portion and (1)(c)(IV) as follows:

18-15-109. Loan finder - definitions - prohibited fees. (1) As used in this section, unless the context otherwise requires:

(c) "Loan finder" means any person who, directly or indirectly, serves or offers to serve as a lender or as an agent to obtain a loan or who holds himself OR HERSELF out as capable of obtaining a loan for any person; except that the following persons shall be exempt from the provisions of this section:

(IV) A pawnbroker licensed pursuant to ~~article 56 of title 12, C.R.S.~~ ARTICLE 11.9 OF TITLE 29, acting as such;

SECTION 6. In Colorado Revised Statutes, 30-15-401, **amend** (1) introductory portion, (1)(i), and (1)(k) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this ~~article~~ ARTICLE 15, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(i) To regulate and license escort bureaus, escorts, and escort bureau runners to the extent permitted under ~~article 25.5 of title 12, C.R.S.~~ ARTICLE 11.8 OF TITLE 29;

(k) To regulate and license pawnbrokers as provided in ~~section 12-56-102, C.R.S.~~ SECTION 29-11.9-102;

SECTION 7. In Colorado Revised Statutes, 30-26-301, **amend** (2)(d) introductory portion as follows:

30-26-301. Creation of debt for buildings, roads - election - definitions. (2) (d) The order submitting the question of contracting an indebtedness shall contain a statement of the maximum net effective interest rate at which said indebtedness may be incurred. As used in articles 11, 15, and 17, parts 1, 3 to 6, and 8 of article 20, articles 25 and 26, and part 2 of article 28 of this ~~title~~ TITLE 30 and ~~article 18 of title 12~~, part 2 of article 6 of title 25, article 3 of title 29, PART 5 OF ARTICLE 15 OF TITLE 30, and article 5 of title 41, ~~C.R.S.~~, unless the context otherwise requires:

SECTION 8. In Colorado Revised Statutes, 31-15-401, **amend** (1)(n) as follows:

31-15-401. General police powers. (1) In relation to the general police power, the governing bodies of municipalities have the following powers:

(n) To regulate and license pawnbrokers as provided in ~~section 12-56-102, C.R.S.~~ SECTION 29-11.9-102;

SECTION 9. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** articles 18, 25.5, and 56 of title 12.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO