

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0068.01 Yelana Love x2295

HOUSE BILL 22-1099

HOUSE SPONSORSHIP

Carver and Roberts,

SENATE SPONSORSHIP

Woodward and Zenzinger,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MANDATORY DISCLOSURES OF THIRD-PARTY SELLERS**
102 **SELLING THROUGH ONLINE MARKETPLACES.**

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 bill requires an online marketplace (marketplace) to require each high-volume third-party seller (seller) selling through its marketplace to disclose to the marketplace, and the marketplace to verify:

- The seller's bank account number;
- The seller's contact information; and
- The seller's business tax identification number or individual

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
February 15, 2022

taxpayer identification number.

The marketplace also must require the seller to disclose to the consumer the identity of the seller, including:

- The full name of the seller;
- The physical address of the seller;
- Whether the high-volume third-party seller used a different seller to supply the consumer product to the consumer upon purchase; and
- If requested by the purchaser, information relating to any seller that supplied the consumer product to the purchaser, if the seller is different than the high-volume third-party seller listed on the product listing prior to purchase.

The online marketplace must disclose to consumers a reporting mechanism for consumers to report suspicious marketplace activity.

A violation of the disclosure requirements is a deceptive trade practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 14 to article
3 1 of title 6 as follows:

4 **PART 14**

5 **ONLINE MARKETPLACES**

6 **6-1-1401. Definitions.** AS USED IN THIS PART 14, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "CONSUMER PRODUCT" MEANS ANY TANGIBLE PERSONAL
9 PROPERTY THAT IS DISTRIBUTED IN COMMERCE AND THAT IS NORMALLY
10 USED FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, INCLUDING ANY
11 SUCH PROPERTY INTENDED TO BE ATTACHED TO OR INSTALLED IN ANY
12 REAL PROPERTY WITHOUT REGARD TO WHETHER IT IS SO ATTACHED OR
13 INSTALLED.

14 (2) "HIGH-VOLUME THIRD-PARTY SELLER" MEANS A THIRD-PARTY
15 SELLER THAT, IN ANY CONTINUOUS TWELVE-MONTH PERIOD DURING THE
16 PREVIOUS TWENTY-FOUR MONTHS, HAS ENTERED INTO TWO HUNDRED OR

1 MORE DISCRETE SALES OR TRANSACTIONS OF NEW OR UNUSED CONSUMER
2 PRODUCTS FOR WHICH THE THIRD-PARTY SELLER HAS EARNED AGGREGATE
3 TOTAL GROSS REVENUES OF FIVE THOUSAND DOLLARS OR MORE. FOR
4 PURPOSES OF CALCULATING THE NUMBER OF DISCRETE SALES OR
5 TRANSACTIONS OR THE AGGREGATE GROSS REVENUES UNDER THIS
6 SUBSECTION (2), AN ONLINE MARKETPLACE IS ONLY REQUIRED TO COUNT
7 SALES OR TRANSACTIONS MADE THROUGH THE ONLINE MARKETPLACE AND
8 FOR WHICH PAYMENT WAS PROCESSED BY THE ONLINE MARKETPLACE,
9 EITHER DIRECTLY OR THROUGH ITS PAYMENT PROCESSOR.

10 (3) "ONLINE MARKETPLACE" MEANS ANY PERSON THAT OPERATES
11 A CONSUMER-DIRECTED ELECTRONICALLY BASED OR ACCESSED PLATFORM
12 THAT:

13 (a) INCLUDES FEATURES THAT ALLOW FOR, FACILITATE, OR ENABLE
14 THIRD-PARTY SELLERS TO ENGAGE IN THE SALE, PURCHASE, PAYMENT,
15 STORAGE, SHIPPING, OR DELIVERY OF A CONSUMER PRODUCT IN THE
16 UNITED STATES;

17 (b) IS USED BY ONE OR MORE THIRD-PARTY SELLERS FOR THE SALE,
18 PURCHASE, PAYMENT, STORAGE, SHIPPING, OR DELIVERY OF A CONSUMER
19 PRODUCT; AND

20 (c) HAS A CONTRACTUAL OR SIMILAR RELATIONSHIP WITH
21 CONSUMERS GOVERNING THEIR USE OF THE PLATFORM TO PURCHASE
22 CONSUMER PRODUCTS.

23 (4) "SELLER" MEANS A PERSON WHO SELLS, OFFERS TO SELL, OR
24 CONTRACTS TO SELL A CONSUMER PRODUCT THROUGH AN ONLINE
25 MARKETPLACE'S PLATFORM.

26 (5) (a) "THIRD-PARTY SELLER" MEANS ANY SELLER, INDEPENDENT
27 OF AN OPERATOR, FACILITATOR, OR OWNER OF AN ONLINE MARKETPLACE,

1 THAT SELLS, OFFERS TO SELL, OR CONTRACTS TO SELL A CONSUMER
2 PRODUCT IN THE UNITED STATES THROUGH AN ONLINE MARKETPLACE.

3 (b) "THIRD-PARTY SELLER" DOES NOT INCLUDE A SELLER THAT:

4 (I) OPERATES THE ONLINE MARKETPLACE'S PLATFORM;

5 (II) IS A BUSINESS ENTITY THAT HAS MADE AVAILABLE TO THE
6 GENERAL PUBLIC THE ENTITY'S NAME, BUSINESS ADDRESS, AND WORKING
7 CONTACT INFORMATION;

8 (III) IS A BUSINESS ENTITY THAT HAS AN ONGOING CONTRACTUAL
9 RELATIONSHIP WITH THE ONLINE MARKETPLACE TO PROVIDE THE ONLINE
10 MARKETPLACE WITH THE MANUFACTURE, DISTRIBUTION, WHOLESALE
11 DISTRIBUTION, OR FULFILLMENT OF SHIPMENTS OF CONSUMER PRODUCTS;

12 OR

13 (IV) IS A BUSINESS ENTITY THAT HAS PROVIDED TO THE ONLINE
14 MARKETPLACE IDENTIFYING INFORMATION, AS DESCRIBED IN SECTION
15 6-1-1402 (1), THAT HAS BEEN VERIFIED PURSUANT TO THAT SECTION.

16 (6) "VERIFY" MEANS TO CONFIRM INFORMATION PROVIDED TO AN
17 ONLINE MARKETPLACE PURSUANT TO THIS PART 14, WHICH MAY INCLUDE
18 THE USE OF ONE OR MORE METHODS THAT ENABLE THE ONLINE
19 MARKETPLACE TO RELIABLY DETERMINE THAT ANY INFORMATION AND
20 DOCUMENTS PROVIDED:

21 (a) ARE VALID;

22 (b) CORRESPOND TO THE SELLER OR AN INDIVIDUAL ACTING ON
23 THE SELLER'S BEHALF;

24 (c) ARE NOT MISAPPROPRIATED; AND

25 (d) ARE NOT FALSIFIED.

26 **6-1-1402. Disclosure of information by online marketplaces to**
27 **inform consumers. (1) Collection required.** AN ONLINE MARKETPLACE

1 SHALL REQUIRE A HIGH-VOLUME THIRD-PARTY SELLER PARTICIPATING IN
2 THE ONLINE MARKETPLACE TO PROVIDE THE ONLINE MARKETPLACE WITH
3 THE FOLLOWING INFORMATION WITHIN TEN DAYS AFTER QUALIFYING AS
4 A HIGH-VOLUME THIRD-PARTY SELLER:

5 (a) BANK ACCOUNT NUMBER OR, IF THE HIGH-VOLUME
6 THIRD-PARTY SELLER DOES NOT HAVE A BANK ACCOUNT, THE NAME OF
7 THE PAYEE FOR PAYMENTS ISSUED BY THE ONLINE MARKETPLACE TO THE
8 HIGH-VOLUME THIRD-PARTY SELLER. THE BANK ACCOUNT OR PAYEE
9 INFORMATION MAY BE PROVIDED BY THE SELLER EITHER:

10 (I) TO THE ONLINE MARKETPLACE; OR

11 (II) TO A PAYMENT PROCESSOR OR OTHER THIRD PARTY
12 CONTRACTED BY THE ONLINE MARKETPLACE TO MAINTAIN THE
13 INFORMATION, IF THE ONLINE MARKETPLACE ENSURES THAT IT CAN
14 OBTAIN SUCH INFORMATION ON DEMAND FROM THE PAYMENT PROCESSOR
15 OR OTHER THIRD PARTY.

16 (b) CONTACT INFORMATION, INCLUDING:

17 (I) IF THE HIGH-VOLUME THIRD-PARTY SELLER IS AN INDIVIDUAL,
18 THE INDIVIDUAL'S NAME; OR

19 (II) IF THE HIGH-VOLUME THIRD-PARTY SELLER IS NOT AN
20 INDIVIDUAL, EITHER:

21 (A) A COPY OF A VALID GOVERNMENT-ISSUED PHOTO
22 IDENTIFICATION DOCUMENT FOR AN INDIVIDUAL ACTING ON BEHALF OF
23 THE HIGH-VOLUME THIRD-PARTY SELLER THAT INCLUDES THE
24 INDIVIDUAL'S NAME; OR

25 (B) A COPY OF A VALID GOVERNMENT-ISSUED RECORD OR TAX
26 DOCUMENT THAT INCLUDES THE BUSINESS NAME AND PHYSICAL ADDRESS
27 OF THE HIGH-VOLUME THIRD-PARTY SELLER;

1 (c) A BUSINESS TAX IDENTIFICATION NUMBER OR, IF THE
2 HIGH-VOLUME THIRD-PARTY SELLER DOES NOT HAVE A BUSINESS TAX
3 IDENTIFICATION NUMBER, AN INDIVIDUAL TAXPAYER IDENTIFICATION
4 NUMBER; AND

5 (d) A CURRENT WORKING E-MAIL ADDRESS AND PHONE NUMBER
6 FOR THE HIGH-VOLUME THIRD-PARTY SELLER.

7 (2) **Notification.** AN ONLINE MARKETPLACE SHALL:

8 (a) PERIODICALLY, BUT NOT LESS THAN ANNUALLY, NOTIFY ANY
9 HIGH-VOLUME THIRD-PARTY SELLER ON THE ONLINE MARKETPLACE'S
10 PLATFORM OF THE REQUIREMENT TO KEEP ANY INFORMATION COLLECTED
11 UNDER SUBSECTION (1) OF THIS SECTION CURRENT;

12 (b) REQUIRE ANY HIGH-VOLUME THIRD-PARTY SELLER ON SUCH
13 ONLINE MARKETPLACE'S PLATFORM, NOT LATER THAN TEN DAYS AFTER
14 RECEIVING THE NOTICE UNDER SUBSECTION (2)(a) OF THIS SECTION, TO
15 ELECTRONICALLY CERTIFY THAT:

16 (I) THE HIGH-VOLUME THIRD-PARTY SELLER HAS PROVIDED ANY
17 CHANGES TO SUCH INFORMATION TO THE ONLINE MARKETPLACE, IF SUCH
18 CHANGES HAVE OCCURRED; OR

19 (II) THERE HAVE BEEN NO CHANGES TO THE HIGH-VOLUME
20 THIRD-PARTY SELLER'S INFORMATION; AND

21 (c) IF A HIGH-VOLUME THIRD-PARTY SELLER DOES NOT PROVIDE
22 THE INFORMATION OR CERTIFICATION REQUIRED UNDER SUBSECTION (1)
23 OF THIS SECTION, AND AFTER THE ONLINE MARKETPLACE PROVIDES THE
24 SELLER WITH WRITTEN OR ELECTRONIC NOTICE AND AN OPPORTUNITY TO
25 PROVIDE SUCH INFORMATION OR CERTIFICATION NOT LATER THAN TEN
26 DAYS AFTER THE ISSUANCE OF SUCH NOTICE, SUSPEND ANY FUTURE SALES
27 ACTIVITY OF THE SELLER ON THE ONLINE MARKETPLACE UNTIL THE SELLER

1 PROVIDES THE INFORMATION OR CERTIFICATION.

2 (3) **Verification required.** (a) THE ONLINE MARKETPLACE SHALL:

3 (I) VERIFY THE INFORMATION COLLECTED UNDER SUBSECTION (1)
4 OF THIS SECTION NOT LATER THAN TEN DAYS AFTER THE COLLECTION; AND

5 (II) VERIFY ANY CHANGE TO SUCH INFORMATION NOT LATER THAN
6 TEN DAYS AFTER BEING NOTIFIED OF THE CHANGE BY A HIGH-VOLUME
7 THIRD-PARTY SELLER IN RESPONSE TO THE NOTICE REQUIRED BY
8 SUBSECTION (2)(a) OF THIS SECTION.

9 (b) IN THE CASE OF A HIGH-VOLUME THIRD-PARTY SELLER THAT
10 PROVIDES A COPY OF A VALID GOVERNMENT-ISSUED TAX DOCUMENT, ANY
11 INFORMATION CONTAINED IN SUCH DOCUMENT SHALL BE PRESUMED TO BE
12 VERIFIED AS OF THE DATE OF ISSUANCE OF THE DOCUMENT.

13 (c) DATA COLLECTED SOLELY TO COMPLY WITH THE
14 REQUIREMENTS OF THIS SECTION MAY NOT BE USED FOR ANY OTHER
15 PURPOSE UNLESS REQUIRED BY LAW.

16 (d) TO PROTECT DATA THAT HAS BEEN COLLECTED IN COMPLIANCE
17 WITH THIS SECTION FROM UNAUTHORIZED USE, DISCLOSURE, ACCESS,
18 DESTRUCTION, OR MODIFICATION, AN ONLINE MARKETPLACE SHALL
19 IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND
20 PRACTICES, INCLUDING ADMINISTRATIVE, PHYSICAL, AND TECHNICAL
21 SAFEGUARDS, APPROPRIATE TO THE NATURE OF THE DATA AND THE
22 PURPOSES FOR WHICH THE DATA WILL BE USED.

23 (4) **Disclosure required.** (a) AN ONLINE MARKETPLACE SHALL
24 REQUIRE A HIGH-VOLUME THIRD-PARTY SELLER WITH AN AGGREGATE
25 TOTAL OF TWENTY THOUSAND DOLLARS OR MORE IN ANNUAL GROSS
26 REVENUES ON THE ONLINE MARKETPLACE, AND THAT USES THE ONLINE
27 MARKETPLACE'S PLATFORM, TO PROVIDE, AND, EXCEPT AS PROVIDED IN

1 SUBSECTION (4)(b) OF THIS SECTION, DISCLOSE TO CONSUMERS IN A
2 CONSPICUOUS MANNER IN THE ORDER CONFIRMATION MESSAGE OR OTHER
3 DOCUMENT OR COMMUNICATION MADE TO A CONSUMER AFTER A
4 PURCHASE IS FINALIZED AND IN THE CONSUMER'S ACCOUNT TRANSACTION
5 HISTORY:

6 (I) THE FULL NAME OF THE SELLER, WHICH MAY INCLUDE THE
7 SELLER'S NAME OR THE SELLER'S COMPANY NAME, OR THE NAME BY WHICH
8 THE SELLER OR COMPANY OPERATES ON THE ONLINE MARKETPLACE;

9 (II) THE PHYSICAL ADDRESS OF THE SELLER;

10 (III) CONTACT INFORMATION FOR THE SELLER, TO ALLOW USERS
11 OF THE ONLINE MARKETPLACE TO ENGAGE IN DIRECT, UNHINDERED
12 COMMUNICATION WITH THE HIGH-VOLUME THIRD-PARTY SELLER,
13 INCLUDING A CURRENT WORKING PHONE NUMBER, A CURRENT WORKING
14 E-MAIL ADDRESS, OR OTHER MEANS OF DIRECT ELECTRONIC MESSAGING
15 THAT THE ONLINE MARKETPLACE MAY PROVIDE FOR THE HIGH-VOLUME
16 THIRD-PARTY SELLER;

17 (IV) WHETHER THE HIGH-VOLUME THIRD-PARTY SELLER USED A
18 DIFFERENT SELLER TO SUPPLY THE CONSUMER PRODUCT TO THE
19 CONSUMER UPON PURCHASE, AND, UPON THE REQUEST OF AN
20 AUTHENTICATED PURCHASER, THE INFORMATION DESCRIBED IN
21 SUBSECTIONS (4)(a)(I) TO (4)(a)(III) OF THIS SECTION RELATING TO ANY
22 SUCH SELLER THAT SUPPLIED THE CONSUMER PRODUCT TO THE
23 PURCHASER, IF THE SELLER IS DIFFERENT THAN THE HIGH-VOLUME
24 THIRD-PARTY SELLER LISTED ON THE PRODUCT LISTING PRIOR TO
25 PURCHASE.

26 (b) (I) SUBJECT TO SUBSECTION (4)(b)(II) OF THIS SECTION, UPON
27 THE REQUEST OF A HIGH-VOLUME THIRD-PARTY SELLER, AN ONLINE

1 MARKETPLACE MAY ALLOW FOR THE SELLER TO PROVIDE PARTIAL
2 DISCLOSURE OF THE IDENTITY INFORMATION REQUIRED PURSUANT TO
3 SUBSECTION (4)(a) OF THIS SECTION IN THE FOLLOWING SITUATIONS:

4 (A) IF THE HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
5 ONLINE MARKETPLACE THAT THE SELLER DOES NOT HAVE A BUSINESS
6 ADDRESS AND ONLY HAS A RESIDENTIAL STREET ADDRESS, OR HAS A
7 COMBINED BUSINESS AND RESIDENTIAL ADDRESS, THE ONLINE
8 MARKETPLACE MAY DISCLOSE ONLY THE COUNTRY AND, IF APPLICABLE,
9 THE STATE IN WHICH THE HIGH-VOLUME THIRD-PARTY SELLER RESIDES
10 AND MAY INFORM CONSUMERS THAT THERE IS NO BUSINESS ADDRESS
11 AVAILABLE FOR THE HIGH-VOLUME THIRD-PARTY SELLER AND THAT
12 CONSUMER INQUIRIES SHOULD BE SUBMITTED TO THE HIGH-VOLUME
13 THIRD-PARTY SELLER BY TELEPHONE, E-MAIL ADDRESS, OR OTHER MEANS
14 OF ELECTRONIC MESSAGING THAT THE ONLINE MARKETPLACE PROVIDES
15 THE SELLER.

16 (B) IF THE HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
17 ONLINE MARKETPLACE THAT THE SELLER IS A BUSINESS THAT HAS A
18 SEPARATE PHYSICAL ADDRESS FOR PRODUCT RETURNS, THE ONLINE
19 MARKETPLACE MAY DISCLOSE ONLY THE SELLER'S PHYSICAL ADDRESS FOR
20 PRODUCT RETURNS.

21 (C) IF A HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
22 ONLINE MARKETPLACE THAT THE SELLER DOES NOT HAVE A TELEPHONE
23 NUMBER OTHER THAN A PERSONAL TELEPHONE NUMBER, THE ONLINE
24 MARKETPLACE SHALL INFORM CONSUMERS THAT THERE IS NO TELEPHONE
25 NUMBER AVAILABLE FOR THE SELLER AND THAT CONSUMER INQUIRIES
26 SHOULD BE SUBMITTED TO THE SELLER'S E-MAIL ADDRESS, OR OTHER
27 MEANS OF ELECTRONIC MESSAGING THAT THE ONLINE MARKETPLACE

1 PROVIDES THE SELLER.

2 (II) IF AN ONLINE MARKETPLACE BECOMES AWARE THAT A
3 HIGH-VOLUME THIRD-PARTY SELLER HAS MADE A FALSE REPRESENTATION
4 TO THE ONLINE MARKETPLACE IN ORDER TO JUSTIFY THE PROVISION OF A
5 PARTIAL DISCLOSURE PURSUANT TO SUBSECTION (4)(b)(I) OF THIS SECTION
6 OR THAT A HIGH-VOLUME THIRD-PARTY SELLER THAT HAS REQUESTED AND
7 RECEIVED AN ALLOWANCE FOR A PARTIAL DISCLOSURE PURSUANT TO
8 SUBSECTION (4)(b)(I) OF THIS SECTION HAS NOT PROVIDED RESPONSIVE
9 ANSWERS WITHIN A REASONABLE TIME FRAME TO CONSUMER INQUIRIES
10 SUBMITTED TO THE SELLER BY TELEPHONE, E-MAIL ADDRESS, OR OTHER
11 MEANS OF ELECTRONIC MESSAGING THAT THE ONLINE MARKETPLACE
12 PROVIDES THE SELLER, THE ONLINE MARKETPLACE SHALL, AFTER
13 PROVIDING THE SELLER WITH WRITTEN OR ELECTRONIC NOTICE AND AN
14 OPPORTUNITY TO RESPOND NOT LATER THAN TEN DAYS AFTER THE
15 ISSUANCE OF THE NOTICE, SUSPEND ANY FUTURE SALES ACTIVITY OF THE
16 SELLER UNLESS THE SELLER CONSENTS TO THE DISCLOSURE OF THE
17 IDENTITY INFORMATION REQUIRED UNDER SUBSECTION (4)(b)(I)(A) OF
18 THIS SECTION.

19 (5) **Reporting mechanism.** AN ONLINE MARKETPLACE SHALL
20 DISCLOSE TO CONSUMERS, IN A CLEAR AND CONSPICUOUS MANNER ON THE
21 PRODUCT LISTING OF ANY HIGH-VOLUME THIRD-PARTY SELLER, A
22 REPORTING MECHANISM THAT ALLOWS FOR ELECTRONIC AND TELEPHONIC
23 REPORTING OF SUSPICIOUS MARKETPLACE ACTIVITY TO THE ONLINE
24 MARKETPLACE.

25



26 (6) **Compliance.** IF A HIGH-VOLUME THIRD-PARTY SELLER DOES
27 NOT COMPLY WITH THE REQUIREMENTS TO PROVIDE AND DISCLOSE

1 INFORMATION UNDER THIS SECTION, THE ONLINE MARKETPLACE SHALL,
2 AFTER PROVIDING THE SELLER WITH WRITTEN OR ELECTRONIC NOTICE AND
3 AN OPPORTUNITY TO PROVIDE OR DISCLOSE SUCH INFORMATION NOT
4 LATER THAN TEN DAYS AFTER THE ISSUANCE OF SUCH NOTICE, SUSPEND
5 ANY FUTURE SALES ACTIVITY OF SUCH SELLER UNTIL THE SELLER
6 COMPLIES WITH THE REQUIREMENTS.

7 **6-1-1403. Enforcement.** (1) (a) THE ATTORNEY GENERAL AND
8 DISTRICT ATTORNEYS HAVE EXCLUSIVE AUTHORITY TO ENFORCE THIS PART
9 14 BY BRINGING AN ACTION IN THE NAME OF THE STATE OR AS PARENS
10 PATRIAE ON BEHALF OF PERSONS RESIDING IN THE STATE TO ENFORCE THIS
11 PART 14 AS PROVIDED IN PART 1 OF THIS ARTICLE 1.

12 (b) NOTHING IN THIS PART 14 SHALL BE CONSTRUED AS PROVIDING
13 THE BASIS FOR, OR SUBJECTING A PARTY TO, A PRIVATE RIGHT OF ACTION
14 FOR VIOLATIONS OF THIS PART 14 OR ANY OTHER LAW.

15 (2) **Unfair and deceptive acts or practices.** A VIOLATION OF THIS
16 PART 14 IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE PURSUANT TO
17 SECTION 6-1-105 (1)(ooo).

18 **6-1-1404. Preemption.** (1) A POLITICAL SUBDIVISION SHALL NOT
19 ESTABLISH, MANDATE, OR OTHERWISE REQUIRE ONLINE MARKETPLACES
20 TO:

21 (a) VERIFY INFORMATION FROM HIGH-VOLUME THIRD-PARTY
22 SELLERS ON A ONE-TIME OR ONGOING BASIS; OR

23 (b) DISCLOSE OR REQUIRE THE DISCLOSURE OF INFORMATION TO
24 CONSUMERS.

25 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**
26 (1)(ooo) as follows:

27 **6-1-105. Unfair or deceptive trade practices.** (1) A person

1 engages in a deceptive trade practice when, in the course of the person's
2 business, vocation, or occupation, the person:

3 (ooo) VIOLATES PART 14 OF THIS ARTICLE 1.

4 **SECTION 3. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect January 1, 2023; except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within the ninety-day period after final adjournment of the general
9 assembly, then the act, item, section, or part will not take effect unless
10 approved by the people at the general election to be held in November
11 2022 and, in such case, will take effect January 1, 2023, or on the date of
12 the official declaration of the vote thereon by the governor, whichever is
13 later.

14 (2) This act applies to conduct occurring on or after the applicable
15 effective date of this act.