

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.



HOUSE BILL 22-1324

BY REPRESENTATIVE(S) Bernett and Lynch, Snyder;
also SENATOR(S) Woodward and Rodriguez, Kolker.

CONCERNING A MODIFICATION TO THE DEFINITION OF PAWNBROKER.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In 2019, in *Pro's Closet, Inc. v. City of Boulder*, 2019 COA 128, the Colorado court of appeals interpreted the definition of pawnbroker under Colorado law and held that the definition included both persons who regularly engage in the business of making contracts for purchase and persons who regularly engage in the business of making purchase transactions;

(b) The act changes the definition of pawnbroker so that a person who is regularly engaged in the business of making purchase transactions is a pawnbroker only if he or she also regularly or occasionally engages in the business of making contracts for purchase; and

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) Under the definition of pawnbroker in the act, a person who regularly engages in the business of making purchase transactions, but does not engage in the business of making contracts for purchase, is not a pawnbroker.

SECTION 2. In Colorado Revised Statutes, 29-11.9-101, **amend** (7) as follows:

29-11.9-101. Definitions. As used in this article 11.9, unless the context otherwise requires:

(7) "Pawnbroker" means a person WHO, IN THE COURSE OF HIS OR HER BUSINESS, IS regularly engaged in the business of making contracts for purchase or A PERSON WHO, IN THE COURSE OF HIS OR HER BUSINESS, IS BOTH REGULARLY ENGAGED IN THE BUSINESS OF MAKING purchase transactions ~~in the course of his or her business~~ AND ALSO REGULARLY OR OCCASIONALLY MAKES CONTRACTS FOR PURCHASE.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO