

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1047.01 Jery Payne x2157

SENATE BILL 22-228

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

Valdez A.,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT RETAIL ESTABLISHMENTS
102 ACCEPT UNITED STATES CURRENCY.

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>.)

Current law requires retail establishments to accept United States currency. One of the exceptions to the requirement is for security deposits. A violation of the requirement by a retail establishment is a civil infraction punishable by a fine of \$250.

The bill exempts retail establishments in which the primary method of selling goods or services is through an automatic renewal

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.

contract and defines "retail establishment" and "security deposit". A violation by a retail establishment is made a deceptive trade practice, which means that the attorney general and each district attorney has enforcement authority under the "Colorado Consumer Protection Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 11-61-102, **amend**
3 (2)(e) and (3); and **add** (2)(f) and (4) as follows:

4 **11-61-102. Retailers' acceptance of United States currency -**
5 **deceptive trade practice - definitions.** (2) (e) ~~A retail establishment~~
6 ~~with more than one point of sale at a single address complies with this~~
7 ~~section if it accepts United States currency, including federal reserve~~
8 ~~notes, at no fewer than one point of sale at the address~~ THIS SECTION DOES
9 NOT APPLY TO A RETAIL ESTABLISHMENT IN WHICH THE RETAIL
10 ESTABLISHMENT'S PRIMARY METHOD OF SELLING GOODS OR SERVICES IS
11 THROUGH AN AUTOMATIC RENEWAL CONTRACT.

12 (f) A RETAIL ESTABLISHMENT WITH MORE THAN ONE POINT OF
13 SALE AT A SINGLE ADDRESS COMPLIES WITH THIS SECTION IF IT ACCEPTS
14 UNITED STATES CURRENCY, INCLUDING FEDERAL RESERVE NOTES, AT NO
15 FEWER THAN ONE POINT OF SALE AT THE ADDRESS.

16 (3) (a) Failing to accept United States currency from a buyer as
17 required by subsection (1) of this section is a civil infraction and, upon
18 conviction, shall be punished by a fine of not more than two hundred fifty
19 dollars per transaction or attempted transaction.

20 (b) A VIOLATION OF THIS SECTION IS A DECEPTIVE TRADE PRACTICE
21 UNDER SECTION 6-1-105 (1)(ooo) AND IS SUBJECT TO ENFORCEMENT BY
22 THE ATTORNEY GENERAL'S OFFICE IN ADDITION TO THE PENALTIES
23 DESCRIBED IN THIS SECTION.

1 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES:

3 (a) "AUTOMATIC RENEWAL CONTRACT" HAS THE MEANING SET
4 FORTH IN SECTION 6-1-732 (1)(a).

5 (b) "RETAIL ESTABLISHMENT" MEANS A BUSINESS THAT:

6 (I) OFFERS OR SELLS GOODS OR SERVICES TO A CONSUMER OF THE
7 GOODS OR SERVICES; AND

8 (II) OFFERS OR SELLS THE GOODS OR SERVICES AT A LOCATION
9 WITH A BUILDING THAT HAS AN ADDRESS WITHIN COLORADO.

10 (c) "SECURITY DEPOSIT" MEANS A SUM OF MONEY THAT ONE PARTY
11 TO A CONTRACT DEPOSITS WITH ANOTHER PARTY TO A CONTRACT FOR THE
12 PURPOSE OF SECURING THE DEPOSITOR'S PERFORMANCE OF OBLIGATIONS
13 CREATED BY THE CONTRACT.

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

16 **6-1-105. Unfair or deceptive trade practices.** (1) A person
17 engages in a deceptive trade practice when, in the course of the person's
18 business, vocation, or occupation, the person:

19 (ooo) VIOLATES SECTION 11-61-102.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly; except that, if a referendum petition is filed pursuant
24 to section 1 (3) of article V of the state constitution against this act or an
25 item, section, or part of this act within such period, then the act, item,
26 section, or part will not take effect unless approved by the people at the
27 general election to be held in November 2022 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.

3 (2) This act applies to offenses committed on or after the
4 applicable effective date of this act.