

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

PREAMENDED

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

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 **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 ==
17 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

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

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

22 (I) OFFERS OR SELLS GOODS OR SERVICES TO A CONSUMER OF THE
23 GOODS OR SERVICES; AND

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

3 (c) "SECURITY DEPOSIT" MEANS A SUM OF MONEY THAT ONE PARTY
4 TO A CONTRACT DEPOSITS WITH ANOTHER PARTY TO A CONTRACT FOR THE
5 PURPOSE OF SECURING THE DEPOSITOR'S PERFORMANCE OF OBLIGATIONS
6 CREATED BY THE CONTRACT.

7 **SECTION 2. In Colorado Revised Statutes, 24-31-101, amend**
8 **(1)(i) as follows:**

9 **24-31-101. Powers and duties of attorney general. (1) The**
10 **attorney general:**

11 **(i) May bring civil and criminal actions to enforce state laws,**
12 **including actions brought pursuant to the "Colorado Antitrust Act of**
13 **1992" in article 4 of title 6, the "Colorado Consumer Protection Act" in**
14 **article 1 of title 6, the "Unfair Practices Act" in article 2 of title 6, article**
15 **12 of title 6, and sections 6-1-110, 11-51-603.5, 11-61-102, 24-34-505.5,**
16 **and 25.5-4-306;**

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

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