

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0236.02 Sarah Lozano x3858

HOUSE BILL 25-1090

HOUSE SPONSORSHIP

Sirota and Ricks,

SENATE SPONSORSHIP

Weissman and Cutter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS AGAINST DECEPTIVE PRICING PRACTICES.**

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>.)

Section 2 of the bill:

- Prohibits a person from offering, displaying, or advertising pricing information for a good, service, or property unless the person discloses the maximum total (total price) of all amounts that a person may pay for the good, service, or property, not including a government charge or shipping charge (total price disclosure requirement);
- Prohibits a person from misrepresenting the nature and

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

purpose of pricing information for a good, service, or property;

- Requires a person to disclose the nature and purpose of pricing information for a good, service, or property that is not part of the total price; and
- Prohibits a landlord from requiring a tenant to pay certain fees, charges, or amounts.

A person does not violate the total price disclosure requirement if the person does not use deceptive, unfair, and unconscionable acts or practices related to the pricing of goods, services, or property and if the person:

- Is a food and beverage service establishment that:
 - Includes a disclosure in the total price for a good or service the amount of any mandatory service charge and how the mandatory service charge is distributed; and
 - Distributes any mandatory service charge exclusively to nonmanagerial employees in accordance with applicable laws; or
- Can demonstrate that the person is governed by and compliant with applicable federal law regarding pricing transparency.

A violation of the above prohibitions and requirement (violation) constitutes a deceptive, unfair, and unconscionable act or practice.

Section 2 also, along with any other remedies available by law or in equity, allows a person aggrieved by a violation to bring a civil action and send a written demand for the violation. If a person declines to make full legal tender of all fees, charges, amounts, or damages demanded or refuses to cease charging the aggrieved person within 14 days after receiving the written demand, the person is liable for the greater of:

- 3 times the actual damages incurred; or
- At least \$100 to no more than \$1,000 per person per violation.

Current law prohibits a written rental agreement from including a provision requiring a tenant to pay a markup or fee for a service for which the landlord is billed by a third party. **Section 3** changes that provision to prohibit the inclusion of a provision in a written rental agreement that requires a tenant to pay a fee that is a violation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly

3 finds and declares that the purposes and policies of this act are to:

1 (a) Clarify and reiterate the law governing the setting and
2 communication of prices in Colorado, including landlord obligations
3 regarding setting and communicating the price of rent and other costs to
4 residential tenants; and

5 (b) Protect people, including tenants, who experience deceptive,
6 unfair, or unconscionable pricing of goods, services, or property in the
7 state.

8 (2) Therefore, the general assembly further declares that this act
9 should be broadly interpreted to achieve its intended purposes and
10 policies.

11 **SECTION 2.** In Colorado Revised Statutes, **add 6-1-737** as
12 follows:

13 **6-1-737. Requirement to disclose certain pricing information**
14 **- landlords and tenants - remedies - rules - definitions.** (1) AS USED
15 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (a) "ANCILLARY GOOD, SERVICE, OR PROPERTY" MEANS ANY
17 ADDITIONAL GOOD, SERVICE, OR PROPERTY OFFERED TO A PERSON AS PART
18 OF THE SAME TRANSACTION.

19 (b) "CLEARLY AND CONSPICUOUSLY" OR "CLEAR AND
20 CONSPICUOUS" MEANS THAT A REQUIRED DISCLOSURE IS EASILY
21 NOTICEABLE AND UNDERSTANDABLE, INCLUDING IN ALL OF THE
22 FOLLOWING WAYS:

23 (I) FOR A COMMUNICATION THAT IS ONLY VISUAL OR ONLY
24 AUDIBLE, THE DISCLOSURE MUST BE MADE THROUGH THE SAME MEANS BY
25 WHICH THE COMMUNICATION IS PRESENTED;

26 (II) FOR A COMMUNICATION THAT IS BOTH VISUAL AND AUDIBLE,
27 SUCH AS A TELEVISION ADVERTISEMENT, THE DISCLOSURE MUST BE MADE

1 SIMULTANEOUSLY IN BOTH THE VISUAL AND AUDIBLE PORTIONS OF THE
2 COMMUNICATION, EVEN IF THE COMMUNICATION REQUIRING THE
3 DISCLOSURE IS MADE THROUGH ONLY VISUAL OR AUDIBLE MEANS;

4 (III) FOR A VISUAL DISCLOSURE, THE DISCLOSURE MUST BE
5 DISTINGUISHABLE BY ITS SIZE, CONTRAST, AND LOCATION; THE LENGTH OF
6 TIME FOR WHICH IT APPEARS; AND OTHER CHARACTERISTICS FROM
7 ACCOMPANYING TEXT OR OTHER VISUAL ELEMENTS SO THAT IT IS EASILY
8 NOTICEABLE, READABLE, AND UNDERSTANDABLE TO ORDINARY PERSONS;

9 (IV) FOR AN AUDIBLE DISCLOSURE, INCLUDING BY TELEPHONE OR
10 STREAMING VIDEO, THE DISCLOSURE MUST BE DELIVERED IN A VOLUME,
11 SPEED, AND CADENCE SUFFICIENT FOR ORDINARY PERSONS TO EASILY
12 HEAR AND UNDERSTAND IT;

13 (V) IN ANY COMMUNICATION USING AN INTERACTIVE ELECTRONIC
14 MEDIUM, SUCH AS THE INTERNET OR SOFTWARE, THE DISCLOSURE MUST BE
15 UNAVOIDABLE;

16 (VI) THE DISCLOSURE USES DICTION AND SYNTAX
17 UNDERSTANDABLE TO ORDINARY PERSONS AND MUST APPEAR IN EACH
18 LANGUAGE IN WHICH THE REPRESENTATION REQUIRING THE DISCLOSURE
19 APPEARS;

20 (VII) THE DISCLOSURE MUST NOT BE CONTRADICTED OR
21 MITIGATED BY, OR INCONSISTENT WITH, ANYTHING ELSE IN THE
22 COMMUNICATION REQUIRING THE DISCLOSURE; AND

23 (VIII) THE DISCLOSURE MUST COMPLY WITH THE REQUIREMENTS
24 OF THIS SUBSECTION (1)(b) FOR EACH MEDIUM THROUGH WHICH IT IS
25 RECEIVED BY A PERSON, INCLUDING AN ELECTRONIC DEVICE OR
26 FACE-TO-FACE COMMUNICATION.

27 (c) "COMMON AREAS" HAS THE MEANING SET FORTH IN SECTION

1 38-12-502 (2).

2 (d) (I) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION
3 38-12-502 (3).

4 (II) "DWELLING UNIT" DOES NOT INCLUDE COMMON AREAS.

5 (e) "FOOD AND BEVERAGE SERVICE ESTABLISHMENT" MEANS:

6 (I) A RETAIL FOOD ESTABLISHMENT, AS DEFINED IN SECTION
7 25-4-1602 (14);

8 (II) AN ALCOHOLIC BEVERAGES DRINKING PLACES INDUSTRY, AS
9 DEFINED IN SECTION 39-26-105 (1.3)(a)(I);

10 (III) A BREW PUB, DISTILLERY PUB, OR VINTNER'S RESTAURANT, AS
11 THOSE TERMS ARE DEFINED IN SECTION 44-3-103; OR

12 (IV) A RETAIL PORTION OF A BREWERY, DISTILLERY, OR WINERY,
13 AS THOSE TERMS ARE DEFINED IN SECTION 44-3-103, THAT SELLS
14 BEVERAGES FOR CONSUMPTION ON THE PREMISES.

15 (f) "GOVERNMENT CHARGE" MEANS A FEE OR CHARGE IMPOSED ON
16 CONSUMERS BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY,
17 UNIT, OR DEPARTMENT, INCLUDING TAXES OR FEES THAT ARE IMPOSED BY,
18 PAID TO, OR PASSED ON TO A GOVERNMENT, INCLUDING A LOCAL
19 GOVERNMENT ENTITY OR OTHER UNIT OF LOCAL GOVERNMENT, OR A
20 POLITICAL SUBDIVISION OF THE STATE, INCLUDING A
21 GOVERNMENT-CREATED SPECIAL DISTRICT.

22 (g) "LANDLORD" HAS THE MEANING SET FORTH IN SECTION
23 38-12-502 (5).

24 (h) "MANDATORY SERVICE CHARGE" MEANS A MANDATORY FEE,
25 CHARGE, OR AMOUNT THAT A FOOD AND BEVERAGE SERVICE
26 ESTABLISHMENT ADDS TO A CUSTOMER'S, GUEST'S, OR PATRON'S BILL.

27 (i) "PRICING INFORMATION" MEANS INFORMATION RELATING TO AN

1 AMOUNT A PERSON MAY PAY.

2 (j) "RENTAL AGREEMENT" HAS THE MEANING SET FORTH IN
3 SECTION 38-12-502 (7).

4 (k) "SHIPPING CHARGE" MEANS A FEE OR CHARGE THAT REFLECTS
5 THE ACTUAL COST THAT A PERSON INCURS TO SEND PHYSICAL GOODS TO
6 A PERSON THROUGH THE MAIL, INCLUDING A PRIVATE MAIL SERVICE.

7 (l) "TENANT" HAS THE MEANING SET FORTH IN SECTION 38-12-502
8 (9).

9 (m) (I) "TOTAL PRICE" MEANS THE MAXIMUM TOTAL OF ALL
10 AMOUNTS, INCLUDING FEES AND CHARGES, THAT A PERSON MUST PAY FOR
11 A GOOD, SERVICE, OR PROPERTY, INCLUDING ANY MANDATORY ANCILLARY
12 GOOD, SERVICE, OR PROPERTY.

13 (II) "TOTAL PRICE" INCLUDES ALL AMOUNTS THAT:

14 (A) MUST BE PAID TO PURCHASE, ENJOY, OR UTILIZE A GOOD,
15 SERVICE, OR PROPERTY; OR

16 (B) A REASONABLE PERSON WOULD EXPECT TO BE INCLUDED IN
17 THE PURCHASE OF A GOOD, SERVICE, OR PROPERTY.

18 (III) "TOTAL PRICE" DOES NOT INCLUDE A GOVERNMENT CHARGE
19 OR SHIPPING CHARGE.

20 (2) (a) A PERSON SHALL NOT OFFER, DISPLAY, OR ADVERTISE AN
21 AMOUNT A PERSON MAY PAY FOR A GOOD, SERVICE, OR PROPERTY UNLESS
22 THE PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE,
23 OR PROPERTY CLEARLY AND CONSPICUOUSLY DISCLOSES THE TOTAL PRICE
24 FOR THE GOOD, SERVICE, OR PROPERTY AS A SINGLE NUMBER WITHOUT
25 SEPARATING THE TOTAL PRICE INTO SEPARATE FEES, CHARGES, OR
26 AMOUNTS. THE TOTAL PRICE FOR THE GOOD, SERVICE, OR PROPERTY MUST
27 BE DISCLOSED MORE PROMINENTLY THAN ANY OTHER PRICING

1 INFORMATION FOR THE GOOD, SERVICE, OR PROPERTY.

2 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
3 CONTRARY, A PERSON IS COMPLIANT WITH SUBSECTIONS (2)(a) AND (3)(b)
4 OF THIS SECTION IF THE PERSON DOES NOT USE DECEPTIVE, UNFAIR, AND
5 UNCONSCIONABLE ACTS OR PRACTICES RELATED TO THE PRICING OF
6 GOODS, SERVICES, OR PROPERTY AND IF THE PERSON:

7 (I) IS A FOOD AND BEVERAGE SERVICE ESTABLISHMENT THAT, IN
8 EVERY OFFER, DISPLAY, OR ADVERTISEMENT FOR THE PURCHASE OF A
9 GOOD OR SERVICE, INCLUDES WITH THE PRICE OF THE GOOD OR SERVICE
10 OFFERED, DISPLAYED, OR ADVERTISED A CLEAR AND CONSPICUOUS
11 DISCLOSURE OF THE PERCENTAGE OR AMOUNT OF ANY MANDATORY
12 SERVICE CHARGE AND AN ACCURATE DESCRIPTION OF HOW THE
13 MANDATORY SERVICE CHARGE IS DISTRIBUTED;

14 (II) CAN DEMONSTRATE THAT THE PERSON IS GOVERNED BY AND
15 COMPLIANT WITH APPLICABLE FEDERAL LAW, RULE, OR REGULATION
16 REGARDING PRICE TRANSPARENCY FOR THE PURPOSES OF THE
17 TRANSACTION AT ISSUE, INCLUDING, BUT NOT LIMITED TO:

18 (A) THE FEDERAL "TRUTH IN SAVINGS ACT", 12 U.S.C. SEC. 4301
19 ET SEQ.;

20 (B) THE FEDERAL "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C.
21 SEC. 1693 ET SEQ.;

22 (C) SECTION 19 OF THE "FEDERAL RESERVE ACT", 12 U.S.C. SEC.
23 461 ET SEQ., AS AMENDED;

24 (D) THE FEDERAL "TRUTH IN LENDING ACT", 15 U.S.C. SEC. 1601
25 ET SEQ.;

26 (E) THE FEDERAL "HOME OWNERSHIP AND EQUITY PROTECTION
27 ACT", 15 U.S.C. SEC. 1639;

1 (F) THE FEDERAL "INVESTMENT COMPANY ACT OF 1940", 15
2 U.S.C. 80a-1 ET SEQ.;

3 (G) THE FEDERAL "INVESTMENT ADVISERS ACT OF 1940", 15
4 U.S.C. SEC. 80b-1 ET SEQ.; OR

5 (H) THE FEDERAL REGULATION BEST INTEREST REGULATION IN 17
6 CFR 240.151-1 PURSUANT TO THE FEDERAL "SECURITIES EXCHANGE ACT
7 OF 1934", 15 U.S.C. 78a ET SEQ.;

8 (III) CAN DEMONSTRATE THAT ANY FEES, COSTS, OR AMOUNTS
9 CHARGED IN ADDITION TO THE TOTAL PRICE WERE:

10 (A) ASSOCIATED WITH SETTLEMENT SERVICES, AS DEFINED BY THE
11 FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT", 12 U.S.C. SEC.
12 2602 (3); AND

13 (B) NOT REAL ESTATE BROKER COMMISSIONS OR FEES;

14 (IV) CAN DEMONSTRATE THAT THE PERSON IS PROVIDING
15 BROADBAND INTERNET ACCESS SERVICE ON THEIR OWN OR AS PART OF A
16 BUNDLE, AS DEFINED IN 47 CFR 8.1 (b), AND IS COMPLIANT WITH THE
17 BROADBAND CONSUMER LABEL REQUIREMENTS ADOPTED BY THE FEDERAL
18 COMMUNICATIONS COMMISSION IN FCC 22-86 ON NOVEMBER 14, 2022; OR

19 (V) CAN DEMONSTRATE THAT THEY ARE AN AIR CARRIER
20 PROVIDING TRANSPORTATION AS DEFINED AND REGULATED BY THE
21 FEDERAL "AVIATION ACT OF 1958", PUB.L. 85-726, AND PURSUANT TO
22 THE FEDERAL "AIRLINE DEREGULATION ACT OF 1978", 49 U.S.C. SEC.
23 41712.

24 (3) (a) A PERSON SHALL NOT MISREPRESENT THE NATURE AND
25 PURPOSE OF PRICING INFORMATION FOR A GOOD, SERVICE, OR PROPERTY,
26 INCLUDING:

27 (I) THE REFUNDABILITY OF AN AMOUNT CHARGED;

1 (II) THE IDENTITY OF A GOOD, SERVICE, OR PROPERTY FOR WHICH
2 AN AMOUNT IS CHARGED;

3 (III) THE RECIPIENT OF AN AMOUNT CHARGED FOR THE GOOD,
4 SERVICE, OR PROPERTY; AND

5 (IV) THE ACTUAL PRICE OF THE GOOD, SERVICE, OR PROPERTY
6 FOR WHICH AN AMOUNT IS CHARGED.

7 (b) UPON OFFERING, DISPLAYING, OR ADVERTISING AN AMOUNT A
8 PERSON MAY PAY FOR A GOOD, SERVICE, OR PROPERTY AND BEFORE A
9 PERSON CONSENTS TO PAY FOR THE GOOD, SERVICE, OR PROPERTY, THE
10 PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE, OR
11 PROPERTY SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE THE NATURE
12 AND PURPOSE OF PRICING INFORMATION FOR THE GOOD, SERVICE, OR
13 PROPERTY THAT IS NOT PART OF THE TOTAL PRICE FOR THE GOOD, SERVICE,
14 OR PROPERTY, INCLUDING:

15 (I) THE REFUNDABILITY OF AN AMOUNT CHARGED FOR THE GOOD,
16 SERVICE, OR PROPERTY;

17 (II) THE IDENTITY OF A GOOD, SERVICE, OR PROPERTY FOR WHICH
18 AN AMOUNT IS CHARGED; AND

19 (III) THE RECIPIENT OF AN AMOUNT CHARGED FOR THE GOOD,
20 SERVICE, OR PROPERTY.

21 (4) A LANDLORD OR THE LANDLORD'S AGENT SHALL NOT REQUIRE
22 A TENANT TO PAY A FEE, CHARGE, OR AMOUNT:

23 (a) RELATED TO THE PROVISION OF UTILITIES THAT IS ABOVE THE
24 AMOUNT CHARGED BY THE UTILITY PROVIDER FOR SERVICE TO THE
25 TENANT'S DWELLING UNIT, EXCEPT IN ACCORDANCE WITH SECTION
26 38-12-801 (3)(a)(VI);

27 (b) THAT INCREASES BY MORE THAN TWO PERCENT OVER THE

1 COURSE OF A RENTAL AGREEMENT OF ONE YEAR OR LESS, EXCEPT FOR THE
2 COST OF UTILITIES PROVIDED TO THE TENANT'S DWELLING UNIT;

3 (c) RELATED TO THE PAYMENT OF PROPERTY TAXES;

4 (d) RELATED TO THE PROCESSING OF RENT OR OTHER PAYMENTS
5 IF A MEANS OF PAYMENT THAT IS COST-FREE TO THE TENANT IS NOT
6 REASONABLY ACCESSIBLE BY THE TENANT;

7 (e) RELATED TO THE OVERDUE PAYMENT OF A FEE, CHARGE, OR
8 AMOUNT THAT IS NOT RENT;

9 (f) FOR A GOOD, SERVICE, OR PROPERTY NECESSARY TO COMPLY
10 WITH THE RESPONSIBILITIES OR OBLIGATIONS OF A LANDLORD OR THE
11 LANDLORD'S AGENT, INCLUDING THE LANDLORD'S RESPONSIBILITY TO
12 PROVIDE A HABITABLE LIVING ENVIRONMENT IN ACCORDANCE WITH
13 SECTION 38-12-503;

14 (g) ABOVE THE TOTAL PRICE OF THE GOOD, SERVICE, OR PROPERTY
15 FOR WHICH AN AMOUNT IS CHARGED, EXCEPT AS PROVIDED IN SECTION
16 38-12-801 (3)(a)(VI);

17 (h) FOR A GOOD, SERVICE, OR PROPERTY NOT ACTUALLY
18 PROVIDED;

19 (i) FOR THE MAINTENANCE OF COMMON AREAS; OR

20 (j) THAT VIOLATES THIS SECTION.

21 (5) (a) A PERSON THAT VIOLATES ANY OF THE REQUIREMENTS OR
22 PROHIBITIONS OF THIS SECTION ENGAGES IN A DECEPTIVE, UNFAIR, AND
23 UNCONSCIONABLE ACT OR PRACTICE.


24 (b) (I) IN ADDITION TO ANY REMEDIES OTHERWISE PROVIDED BY
25 LAW OR IN EQUITY:

26 (A) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY
27 BRING A CIVIL ACTION AGAINST THE ALLEGED VIOLATOR TO RESTRAIN

1 FURTHER VIOLATIONS AND TO RECOVER ACTUAL DAMAGES, COSTS, AND
2 REASONABLE ATTORNEY FEES; AND

3 (B) PURSUANT TO A GOOD FAITH BELIEF THAT A VIOLATION OF ANY
4 PROVISION OF THIS SECTION HAS OCCURRED IN A DISPUTE BETWEEN A
5 LANDLORD AND A TENANT OVER A RESIDENTIAL PROPERTY OR A LESSOR
6 AND A LESSEE OF A COMMERCIAL PROPERTY, A PERSON AGGRIEVED BY A
7 VIOLATION MAY SEND A WRITTEN DEMAND TO THE ALLEGED VIOLATOR
8 FOR REIMBURSEMENT OF ANY FEES, CHARGES, OR AMOUNTS IN VIOLATION
9 OF THIS SECTION PAID BY THE AGGRIEVED PERSON OR A GROUP OF
10 SIMILARLY SITUATED AGGRIEVED PERSONS, FOR THE ACTUAL DAMAGES
11 SUFFERED, AND FOR THE ALLEGED VIOLATOR TO CEASE VIOLATING THIS
12 SECTION. THE AGGRIEVED PERSON MAY NOTIFY THE ALLEGED VIOLATOR
13 OF THEIR REFUSAL TO PAY ANY FEES, CHARGES, OR AMOUNTS THAT
14 VIOLATE THIS SECTION.

15 (II) IF AN ALLEGED VIOLATOR DECLINES TO MAKE FULL LEGAL
16 TENDER OF ALL FEES, CHARGES, AMOUNTS, OR ACTUAL DAMAGES
17 DEMANDED OR REFUSES TO CEASE CHARGING THE AGGRIEVED PERSON AND
18 THOSE SIMILARLY SITUATED THE FEES, CHARGES, OR AMOUNTS IN
19 VIOLATION OF THIS SECTION WITHIN FOURTEEN DAYS AFTER THE RECEIPT
20 OF A WRITTEN DEMAND SENT PURSUANT TO SUBSECTION (5)(b)(I)(B) OF
21 THIS SECTION, IN ADDITION TO ANY OTHER DAMAGES AVAILABLE BY LAW
22 OR IN EQUITY, THE PERSON IS LIABLE FOR ACTUAL DAMAGES PLUS AN
23 INTEREST RATE OF EIGHTEEN PERCENT PER ANNUM COMPOUNDED
24 ANNUALLY.

25 
26 (c) (I) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION
27 DOES NOT NEED TO SEND A WRITTEN DEMAND, OR SATISFY ANY OTHER

1 PRE-SUIT REQUIREMENT, BEFORE ASSERTING A CLAIM BASED ON A
2 VIOLATION OF THIS SECTION.

3 (II) NOTHING IN THIS SECTION LIMITS REMEDIES AVAILABLE
4 ELSEWHERE BY LAW OR IN EQUITY.

5 (6) THE ATTORNEY GENERAL MAY ADOPT RULES TO IMPLEMENT
6 THIS SECTION.

7 **SECTION 3.** In Colorado Revised Statutes, 6-1-720, **amend** (1)
8 introductory portion, as follows:

9 **6-1-720. Ticket sales - deceptive trade practice - definitions.**

10 (1) NOTWITHSTANDING SECTION 6-1-737, a person engages in a deceptive
11 trade practice when, in the course of the person's business, vocation, or
12 occupation, the person:

13 **SECTION 4.** In Colorado Revised Statutes, 38-12-801, **amend**
14 (3)(a)(VI) as follows:

15 **38-12-801. Written rental agreement - prohibited clauses -**
16 **copy - tenant - applicability - definitions.** (3) (a) A written rental
17 agreement must not include:

18 (VI) A provision that requires a tenant to pay a:

19 (A) Markup or fee for a service for which the landlord is billed by
20 a third party; except that a written rental agreement may include a
21 provision that requires a tenant to pay either a markup or fee in an amount
22 that does not exceed two percent of the amount that the landlord was
23 billed or a markup or fee in an amount that does not exceed a total of ten
24 dollars per month, but not both. This subsection (3)(a)(VI) does not
25 preclude a prevailing party from recovering an amount equal to any
26 reasonable attorney fees awarded by a court pursuant to subsection
27 (3)(a)(II) of this section; OR

1 (B) FEE, CHARGE, OR AMOUNT THAT VIOLATES ANY PART OF
2 SECTION 6-1-737;

3 **SECTION 5. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect January 1, 2026; except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within the ninety-day period after final adjournment of the general
8 assembly, then the act, item, section, or part will not take effect unless
9 approved by the people at the general election to be held in November
10 2026 and, in such case, will take effect on the date of the official
11 declaration of the vote thereon by the governor.

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