

CHAPTER 143

**PROFESSIONS AND OCCUPATIONS**

SENATE BILL 95-122

BY SENATORS Feeley, Ament, and Weddig;  
also REPRESENTATIVES Dyer and Foster.

**AN ACT**

CONCERNING CONFORMING CERTAIN DISCLOSURE PROVISIONS OF COLORADO'S "UNIFORM CONSUMER CREDIT CODE" TO CORRESPONDING PROVISIONS OF THE FEDERAL "TRUTH IN LENDING ACT".

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

**SECTION 1.** The introductory portion to 5-2-302.5 (1), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended to read:

**5-2-302.5. Disclosure requirements in connection with solicitation or application.** (1) ~~Notwithstanding any provision of this article to the contrary,~~ A seller shall disclose in a clear and conspicuous manner the following information in any application to open a revolving charge account FOR WHICH A SELLER CREDIT CARD IS ISSUED for any person and in any solicitation to open such an account without requiring an application:

**SECTION 2.** The introductory portion to 5-3-302.5 (1), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended, and the said 5-3-302.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**5-3-302.5. Disclosure requirements in connection with solicitation or application.** (1) ~~Notwithstanding any provision of this article to the contrary,~~ A lender shall disclose in a clear and conspicuous manner the following information in any application to open a revolving loan account FOR WHICH A LENDER CREDIT CARD IS ISSUED for any person and in any solicitation to open such an account without requiring an application:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(2) THE DISCLOSURE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO:

(a) REVOLVING LOAN ACCOUNTS SECURED BY AN INTEREST IN LAND OR TO OVERDRAFT LINES OF CREDIT TIED TO DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS, EVEN IF LENDER CREDIT CARDS OR CHECK GUARANTEE CARDS ARE ISSUED IN CONNECTION WITH SUCH ACCOUNTS; OR

(b) LINES OF CREDIT FOR WHICH CHECK GUARANTEE OR DEBIT CARDS ARE ISSUED THAT MAY BE USED ONLY AT AUTOMATIC TELLER MACHINES.

**SECTION 3.** Title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 14.3**  
**Colorado Consumer Credit Reporting Act**

**12-14.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO CONSUMER CREDIT REPORTING ACT".

**12-14.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADVERSE ACTION" INCLUDES:

(a) THE DENIAL OF, INCREASE IN ANY CHARGE FOR, OR REDUCTION IN THE AMOUNT OF INSURANCE FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES;

(b) THE DENIAL OF EMPLOYMENT OR ANY OTHER DECISION FOR EMPLOYMENT PURPOSES THAT ADVERSELY AFFECTS A CURRENT OR PROSPECTIVE EMPLOYEE; AND

(c) AN ACTION OR DETERMINATION WITH RESPECT TO A CONSUMER'S APPLICATION FOR CREDIT UNDER A CREDIT ARRANGEMENT THAT IS ADVERSE TO THE CONSUMER'S INTERESTS.

(2) "CONSUMER" MEANS A NATURAL PERSON RESIDING IN THE STATE OF COLORADO.

(3) (a) "CONSUMER REPORT" MEANS ANY WRITTEN, ORAL, OR OTHER COMMUNICATION OR ANY INFORMATION BY A CONSUMER REPORTING AGENCY BEARING ON A CONSUMER'S CREDIT WORTHINESS, CREDIT STANDING, CREDIT CAPACITY, DEBTS, CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS, OR MODE OF LIVING, WHICH IS USED OR EXPECTED TO BE USED OR COLLECTED, IN WHOLE OR IN PART, AS A FACTOR TO ESTABLISH A CONSUMER'S ELIGIBILITY FOR CREDIT OR INSURANCE TO BE USED FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, EMPLOYMENT PURPOSES, OR ANY OTHER PURPOSE AUTHORIZED PURSUANT TO APPLICABLE PROVISIONS OF THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681a AND 1681b, AS AMENDED.

(b) "CONSUMER REPORT" DOES NOT INCLUDE:

(I) ANY REPORT CONTAINING INFORMATION SOLELY AS TO A TRANSACTION BETWEEN THE CONSUMER AND THE PERSON MAKING THE REPORT;

(II) ANY AUTHORIZATION OR APPROVAL OF A SPECIFIC EXTENSION OF CREDIT DIRECTLY OR INDIRECTLY BY THE ISSUER OF A CREDIT CARD OR SIMILAR DEVICE;

(III) ANY REPORT IN WHICH A PERSON WHO HAS BEEN REQUESTED BY A THIRD PARTY TO MAKE A SPECIFIC EXTENSION OF CREDIT DIRECTLY OR INDIRECTLY TO A CONSUMER CONVEYS A DECISION WITH RESPECT TO THE REQUEST, IF THE THIRD PARTY ADVISES THE CONSUMER OF THE NAME AND ADDRESS OF THE PERSON TO WHOM THE REQUEST WAS MADE AND THE PERSON MAKES THE DISCLOSURES THAT MUST BE MADE TO THE CONSUMER PURSUANT TO THE PROVISIONS OF THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681m, AS AMENDED, IN THE EVENT OF ADVERSE ACTION.

(4) "CONSUMER REPORTING AGENCY" MEANS ANY PERSON WHICH, FOR MONETARY FEES, DUES, OR ON A COOPERATIVE NONPROFIT BASIS, REGULARLY ENGAGES IN WHOLE OR IN PART IN THE PRACTICE OF ASSEMBLING OR EVALUATING CONSUMER CREDIT INFORMATION OR OTHER INFORMATION ON CONSUMERS FOR THE PURPOSE OF FURNISHING CONSUMER REPORTS TO THIRD PARTIES. "CONSUMER REPORTING AGENCY" SHALL NOT INCLUDE ANY BUSINESS ENTITY THAT PROVIDES CHECK VERIFICATION SERVICES ONLY.

(5) "EMPLOYMENT PURPOSES", WHEN USED IN CONNECTION WITH A CONSUMER REPORT, MEANS A REPORT USED FOR THE PURPOSE OF EVALUATING A CONSUMER FOR EMPLOYMENT, PROMOTION, REASSIGNMENT, OR RETENTION AS AN EMPLOYEE.

(6) "FILE" MEANS ALL OF THE INFORMATION ON THE CONSUMER WHICH IS RECORDED AND RETAINED BY A CONSUMER REPORTING AGENCY REGARDLESS OF HOW THE INFORMATION IS STORED.

(7) "INVESTIGATIVE CONSUMER REPORT" MEANS A CONSUMER REPORT OR PORTION THEREOF IN WHICH INFORMATION ON A CONSUMER'S CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS, OR MODE OF LIVING IS OBTAINED THROUGH PERSONAL INTERVIEWS WITH NEIGHBORS, FRIENDS, OR ASSOCIATES OF THE CONSUMER, REPORTED ON OR WITH OTHERS WITH WHOM THE CONSUMER IS ACQUAINTED OR WHO MAY HAVE KNOWLEDGE CONCERNING ANY SUCH ITEMS OF INFORMATION. THE TERM DOES NOT INCLUDE SPECIFIC FACTUAL INFORMATION ON A CONSUMER'S CREDIT RECORD OBTAINED DIRECTLY FROM A CREDITOR OF THE CONSUMER OR FROM A CONSUMER REPORTING AGENCY WHEN SUCH INFORMATION WAS OBTAINED DIRECTLY FROM A CREDITOR OF THE CONSUMER OR FROM THE CONSUMER.

(8) "PERSON" MEANS ANY NATURAL PERSON, FIRM, CORPORATION, OR PARTNERSHIP.

**12-14.3-103. Permissible purposes - prohibition.** (1) A CONSUMER REPORTING AGENCY MAY FURNISH A CONSUMER REPORT ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

(a) IN RESPONSE TO AN ORDER OF A COURT HAVING JURISDICTION TO ISSUE SUCH

AN ORDER;

(b) IN ACCORDANCE WITH THE WRITTEN INSTRUCTIONS OF THE CONSUMER TO WHOM IT RELATES; AND

(c) TO A PERSON WHICH THE CONSUMER REPORTING AGENCY HAS REASON TO BELIEVE:

(I) INTENDS TO USE THE INFORMATION IN CONNECTION WITH A CREDIT TRANSACTION INVOLVING THE CONSUMER ON WHOM THE INFORMATION IS TO BE FURNISHED AND INVOLVING THE EXTENSION OF CREDIT TO, OR REVIEW OR COLLECTION OF AN ACCOUNT OF, THE CONSUMER; OR

(II) INTENDS TO USE THE INFORMATION FOR EMPLOYMENT PURPOSES; OR

(III) INTENDS TO USE THE INFORMATION IN CONNECTION WITH THE UNDERWRITING OF INSURANCE INVOLVING THE CONSUMER; OR

(IV) INTENDS TO USE THE INFORMATION IN CONNECTION WITH A DETERMINATION OF THE CONSUMER'S ELIGIBILITY FOR A LICENSE OR OTHER BENEFIT GRANTED BY A GOVERNMENTAL INSTRUMENTALITY REQUIRED BY LAW TO CONSIDER AN APPLICANT'S FINANCIAL RESPONSIBILITY OR STATUS; OR

(V) OTHERWISE HAS A LEGITIMATE BUSINESS NEED FOR THE INFORMATION IN CONNECTION WITH A BUSINESS TRANSACTION INVOLVING THE CONSUMER.

(2) A CONSUMER REPORTING AGENCY MAY NOT, BY CONTRACT OR OTHERWISE, PROHIBIT A USER OF ANY CONSUMER REPORT OR INVESTIGATIVE CONSUMER REPORT FROM, UPON REQUEST OF THE CONSUMER, DISCLOSING THE CONTENTS OF SUCH REPORT TO THE CONSUMER TO WHOM IT RELATES IF ADVERSE ACTION AGAINST THE CONSUMER HAS BEEN TAKEN OR IS CONTEMPLATED BY THE USER OF THE CONSUMER REPORT OR INVESTIGATIVE CONSUMER REPORT, BASED IN WHOLE OR IN PART ON SUCH REPORT. NO USER OR CONSUMER REPORTING AGENCY SHALL BE HELD LIABLE OR OTHERWISE RESPONSIBLE FOR A DISCLOSED REPORT WHEN ACTING PURSUANT TO THIS SUBSECTION (2) NOR SHALL SUCH DISCLOSURE, BY ITSELF, MAKE THE USER A CONSUMER REPORTING AGENCY.

**12-14.3-104. Disclosures to consumers.** (1) A CONSUMER REPORTING AGENCY SHALL, UPON WRITTEN OR VERBAL REQUEST AND PROPER IDENTIFICATION OF ANY CONSUMER, CLEARLY AND ACCURATELY DISCLOSE TO THE CONSUMER, IN WRITING, ALL INFORMATION IN ITS FILES AT THE TIME OF THE REQUEST PERTAINING TO THE CONSUMER, INCLUDING BUT NOT LIMITED TO:

(a) THE NAMES OF ALL PERSONS REQUESTING CREDIT INFORMATION PERTAINING TO THE CONSUMER DURING THE PRIOR SIX-MONTH PERIOD AND THE DATE OF EACH REQUEST;

(b) A SET OF INSTRUCTIONS DESCRIBING HOW INFORMATION IS PRESENTED ON ITS WRITTEN DISCLOSURE OF THE FILE; AND

(c) A TOLL FREE NUMBER FOR USE IN RESOLVING THE DISPUTE IF THE CONSUMER

SUBMITTED A WRITTEN DISPUTE TO THE CONSUMER REPORTING AGENCY, WHICH OPERATES ON A NATIONWIDE BASIS.

**12-14.3-105. Charges for certain disclosures.** (1) A CONSUMER REPORTING AGENCY SHALL NOT IMPOSE A CHARGE FOR:

(a) A REQUEST FOR A COPY OF THE CONSUMER'S FILE MADE WITHIN SIXTY DAYS AFTER ADVERSE ACTION IS TAKEN; OR

(b) NOTIFYING ANY PERSON DESIGNATED BY THE CONSUMER, PURSUANT TO THE APPLICABLE PROVISIONS OF THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681i, AS AMENDED, OF THE DELETION OF INFORMATION WHICH IS FOUND TO BE INACCURATE OR WHICH CAN NO LONGER BE VERIFIED; OR

(c) A SET OF INSTRUCTIONS FOR UNDERSTANDING THE INFORMATION PRESENTED ON THE CONSUMER REPORT AND A TOLL FREE TELEPHONE NUMBER THAT CONSUMERS MAY UTILIZE TO OBTAIN ADDITIONAL ASSISTANCE CONCERNING THE CONSUMER REPORT.

(2) FOR ALL OTHER DISCLOSURES TO CONSUMERS OF INFORMATION PERTAINING TO THE CONSUMER, THE CONSUMER REPORTING AGENCY MAY IMPOSE A REASONABLE CHARGE, NOT TO EXCEED THE RETAIL PRICE OF A WRITTEN REPORT RENDERED IN THE NORMAL COURSE OF BUSINESS TO THE CUSTOMERS OF SUCH AGENCY FOR EACH REQUEST FOR INFORMATION.

**12-14.3-106. Procedure for disputed information.** (1) IF THE COMPLETENESS OR ACCURACY OF ANY ITEM OF INFORMATION CONTAINED IN THE CONSUMER'S FILE IS DISPUTED BY THE CONSUMER AND THE CONSUMER NOTIFIES THE CONSUMER REPORTING AGENCY DIRECTLY OF SUCH DISPUTE, THE AGENCY SHALL REINVESTIGATE THE ITEM FREE OF CHARGE AND RECORD THE CURRENT STATUS OF THE DISPUTED INFORMATION ON OR BEFORE THIRTY BUSINESS DAYS AFTER THE DATE THE AGENCY RECEIVES NOTICE CONVEYED BY THE CONSUMER.

(2) ON OR BEFORE FIVE BUSINESS DAYS AFTER THE DATE A CONSUMER REPORTING AGENCY RECEIVES NOTICE OF A DISPUTE FROM A CONSUMER IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, THE AGENCY SHALL PROVIDE NOTICE OF THE DISPUTE TO ALL PERSONS WHO PROVIDED ANY ITEM OF INFORMATION IN DISPUTE.

(3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A CONSUMER REPORTING AGENCY MAY TERMINATE A REINVESTIGATION OF INFORMATION DISPUTED BY A CONSUMER UNDER SUCH SUBSECTION (1) IF THE AGENCY REASONABLY DETERMINES THAT SUCH DISPUTE BY THE CONSUMER IS FRIVOLOUS OR IRRELEVANT. UPON MAKING SUCH A DETERMINATION, A CONSUMER REPORTING AGENCY SHALL PROMPTLY NOTIFY THE CONSUMER OF SUCH DETERMINATION AND THE REASONS THEREFOR, BY MAIL, OR IF AUTHORIZED BY THE CONSUMER FOR THAT PURPOSE, BY TELEPHONE. THE PRESENCE OF CONTRADICTORY INFORMATION IN THE CONSUMER'S FILE DOES NOT IN AND OF ITSELF CONSTITUTE REASONABLE GROUNDS FOR DETERMINING THE DISPUTE IS FRIVOLOUS OR IRRELEVANT.

(4) IF, AFTER A REINVESTIGATION UNDER SUBSECTION (1) OF THIS SECTION OF ANY INFORMATION DISPUTED BY A CONSUMER, THE INFORMATION IS FOUND TO BE

INACCURATE OR CANNOT BE VERIFIED, THE CONSUMER REPORTING AGENCY SHALL PROMPTLY DELETE SUCH INFORMATION FROM THE CONSUMER'S FILE, REVISE THE FILE, AND REFRAIN FROM REPORTING THE INFORMATION IN SUBSEQUENT REPORTS.

(5) INFORMATION DELETED PURSUANT TO SUBSECTION (4) OF THIS SECTION MAY NOT BE REINSERTED IN THE CONSUMER'S FILE UNLESS THE PERSON WHO FURNISHES THE INFORMATION REINVESTIGATES AND STATES IN WRITING OR BY ELECTRONIC RECORD TO THE CONSUMER REPORTING AGENCY THAT THE INFORMATION IS COMPLETE AND ACCURATE.

(6) A CONSUMER REPORTING AGENCY SHALL PROVIDE WRITTEN NOTICE OF THE RESULTS OF ANY REINVESTIGATION OR REINSERTION MADE PURSUANT TO THIS SECTION WITHIN FIVE BUSINESS DAYS OF THE COMPLETION OF THE REINVESTIGATION OR REINSERTION. SUCH NOTICE SHALL INCLUDE:

(a) A STATEMENT THAT THE REINVESTIGATION IS COMPLETE;

(b) A STATEMENT OF THE DETERMINATION OF THE CONSUMER REPORTING AGENCY ON THE COMPLETENESS OR ACCURACY OF THE DISPUTED INFORMATION;

(c) A COPY OF THE CONSUMER'S FILE OR CONSUMER REPORT AND A DESCRIPTION OF THE RESULTS OF THE REINVESTIGATION;

(d) A NOTICE THAT, IF REQUESTED BY THE CONSUMER, A DESCRIPTION OF THE PROCEDURE USED TO DETERMINE THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHALL BE PROVIDED TO THE CONSUMER BY THE CONSUMER REPORTING AGENCY, INCLUDING THE NAME, BUSINESS ADDRESS, AND, IF AVAILABLE, THE TELEPHONE NUMBER OF ANY PERSON CONTACTED IN CONNECTION WITH SUCH INFORMATION; AND

(e) A NOTIFICATION THAT THE CONSUMER HAS THE RIGHT, PURSUANT TO THE APPLICABLE PROVISIONS OF THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681i, AS AMENDED, TO ADD A STATEMENT TO THE CONSUMER'S FILE DISPUTING THE ACCURACY OR COMPLETENESS OF THE INFORMATION;

(f) A NOTIFICATION OF THE CONSUMER'S RIGHTS TO DISPUTE RESOLUTION UNDER SECTION 12-14.3-107, WHICH ARE AVAILABLE AFTER THE CONSUMER HAS FOLLOWED ALL DISPUTE PROCEDURES DESCRIBED IN THIS SECTION AND HAS RECEIVED THE NOTICE SPECIFIED UNDER THIS SUBSECTION (6).

**12-14.3-107. Consumer's right to file action in court or arbitrate disputes.**

AN ACTION TO ENFORCE ANY OBLIGATION OF A CONSUMER REPORTING AGENCY TO A CONSUMER UNDER THIS ARTICLE MAY BE BROUGHT IN ANY COURT OF COMPETENT JURISDICTION AS PROVIDED BY THE FEDERAL "FAIR CREDIT REPORTING ACT" OR SUBMITTED TO BINDING ARBITRATION AFTER THE CONSUMER HAS FOLLOWED ALL DISPUTE PROCEDURES IN SECTION 12-14.3-106 AND HAS RECEIVED THE NOTICE SPECIFIED IN SUBSECTION (6) OF SAID SECTION IN THE MANNER SET FORTH IN THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION TO DETERMINE WHETHER THE CONSUMER REPORTING AGENCY MET ITS OBLIGATIONS UNDER THIS ARTICLE. NO DECISION BY AN ARBITRATOR PURSUANT TO THIS SECTION SHALL AFFECT THE

VALIDITY OF ANY OBLIGATIONS OR DEBTS OWED TO ANY PARTY. A SUCCESSFUL PARTY TO ANY SUCH ARBITRATION PROCEEDING SHALL BE COMPENSATED FOR THE COSTS AND ATTORNEY FEES OF THE PROCEEDING AS DETERMINED BY THE COURT OR ARBITRATION. NO CONSUMER MAY SUBMIT MORE THAN ONE ACTION TO ARBITRATION AGAINST ANY CONSUMER REPORTING AGENCY DURING ANY ONE-HUNDRED-TWENTY-DAY PERIOD. THE RESULTS OF AN ARBITRATION ACTION BROUGHT AGAINST A CONSUMER REPORTING AGENCY DOING BUSINESS IN THIS STATE SHALL BE COMMUNICATED IN A TIMELY MANNER WITH ALL OTHER CONSUMER REPORTING AGENCIES DOING BUSINESS IN THIS STATE. IF, AS A RESULT OF AN ARBITRATION A DETERMINATION IS MADE IN FAVOR OF THE CONSUMER, ANY ADVERSE INFORMATION IN SUCH CONSUMER'S FILE OR RECORD SHALL BE REMOVED OR STRICKEN IN A TIMELY MANNER. IF SUCH ADVERSE INFORMATION IS NOT SO REMOVED OR STRICKEN, THE CONSUMER MAY BRING AN ACTION AGAINST THE NONCOMPLYING AGENCY PURSUANT TO THIS SECTION NOTWITHSTANDING THE ONE-HUNDRED-TWENTY-DAY WAITING PERIOD.

**12-14.3-108. Violations.** (1) ANY CONSUMER REPORTING AGENCY THAT WILLFULLY VIOLATES ANY PROVISION OF THIS ARTICLE SHALL BE LIABLE FOR THREE TIMES THE AMOUNT OF ACTUAL DAMAGES OR ONE THOUSAND DOLLARS, WHICHEVER IS GREATER, REASONABLE ATTORNEY FEES, AND COSTS.

(2) ANY CONSUMER REPORTING AGENCY WHICH NEGLIGENTLY VIOLATES THIS ARTICLE SHALL BE LIABLE FOR ACTUAL DAMAGES OR FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER, REASONABLE ATTORNEY FEES, AND COSTS. A CONSUMER REPORTING AGENCY HAS NO LIABILITY UNDER THIS SUBSECTION (2) IF WITHIN SIXTY DAYS AFTER RECEIVING NOTICE OF DISPUTE FROM A CONSUMER, IN ACCORDANCE WITH SECTION 12-14.3-106, THE CONSUMER REPORTING AGENCY CORRECTS THE COMPLAINED OF ITEM OR ACTIVITY AND SENDS THE CONSUMER WRITTEN NOTIFICATION OF SUCH CORRECTIVE ACTION, IN ACCORDANCE WITH SECTION 12-14.3-106 (6).

**12-14.3-109. Provisions of article cumulative.** THE PROVISIONS OF THIS ARTICLE ARE CUMULATIVE, AND ANY ACTION TAKEN UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT CONSTITUTE AN ELECTION TO TAKE ANY SUCH ACTION TO THE EXCLUSION OF ANY OTHER ACTION AUTHORIZED BY LAW; EXCEPT THAT A CREDIT REPORTING AGENCY SHALL NOT BE SUBJECT TO SUIT WITH RESPECT TO ANY ISSUE THAT WAS THE SUBJECT OF AN ARBITRATION PROCEEDING BROUGHT PURSUANT TO SECTION 12-14.3-107.

**SECTION 4. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 5. Effective date - applicability.** Section 3 of this act shall take effect January 1, 1996, and shall apply to acts occurring on or after said date. The remainder of this act shall take effect upon the expiration of the period allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, unless a referendum petition is filed against this act within such period, in which case this act, if approved by the people, shall take effect on the date

of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 22, 1995

**Editor's note:** Since this act does not contain a Safety Clause, it is subject to the referendum provisions of section 1 (3) of article V of the state constitution. See section 5 of this act for the effective date.