

CHAPTER 166

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 96-1137

BY REPRESENTATIVES Dean, Morrison, and Lamm;
also SENATOR Lacy.

AN ACT

CONCERNING THE REQUIREMENTS FOR LAWFUL TELEPHONE SOLICITATIONS.

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

SECTION 1. 6-1-105 (1) (p), Colorado Revised Statutes, 1992 Repl. Vol., is amended, and the said 6-1-105 (1), as amended, is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(p) Solicits ~~by telephone or~~ door-to-door as a seller, unless the seller, within thirty seconds after beginning the conversation, identifies himself OR HERSELF, whom he OR SHE represents, and the purpose of the call;

(p.3) (I) SOLICITS A CONSUMER RESIDING IN COLORADO BY TELEPHONE AS A SELLER, UNLESS THE SELLER, WITHIN ONE MINUTE AFTER BEGINNING THE CONVERSATION, IDENTIFIES HIMSELF OR HERSELF, WHOM HE OR SHE REPRESENTS, AND THE PURPOSE OF THE CALL OR REPEATEDLY CAUSES ANY TELEPHONE TO RING OR ENGAGES ANY PERSON IN A TELEPHONE CONVERSATION REPEATEDLY OR CONTINUOUSLY WITH THE INTENT TO ANNOY, ABUSE, OR HARASS ANY PERSON AT THE TELEPHONE NUMBER CALLED.

(II) THE PROVISIONS OF THIS PARAGRAPH (p.3) SHALL NOT APPLY TO A TELEPHONE SOLICITATION BETWEEN A SELLER AND A CONSUMER IF THERE IS AN EXISTING BUSINESS RELATIONSHIP BETWEEN THE SELLER AND THE CONSUMER AT THE TIME OF THE TELEPHONE SOLICITATION OR IF THE CALL IS INITIATED BY THE CONSUMER.

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

SECTION 2. 6-1-306, Colorado Revised Statutes, 1992 Repl. Vol., as amended, is repealed as follows:

6-1-306. Repeal. ~~This part 3 is repealed, effective July 1, 1996.~~

SECTION 3. Effective date. This act shall take effect July 1, 1996.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996