

## CHAPTER 133

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**CONSUMER AND COMMERCIAL TRANSACTIONS**

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**HOUSE BILL 97-1284**

BY REPRESENTATIVES Tupa, Allen, Bacon, and Nichol;  
also SENATORS Rizzuto, Arnold, Bishop, Chlouber, Powers, and Wattenberg.

**AN ACT**

CONCERNING DECEPTIVE TRADE PRACTICES INVOLVING UNSOLICITED ELECTRONIC COMMUNICATIONS.

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

**SECTION 1.** 6-1-105 (1), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS 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.5) (I) SOLICITS A CONSUMER RESIDING IN COLORADO BY A FACSIMILE TRANSMISSION WITHOUT INCLUDING IN THE FACSIMILE MESSAGE A TOLL-FREE TELEPHONE NUMBER WHICH A RECIPIENT OF THE UNSOLICITED TRANSMISSION MAY USE TO NOTIFY THE SENDER NOT TO TRANSMIT TO THE RECIPIENT ANY FURTHER UNSOLICITED TRANSMISSIONS.

(II) THE PROVISIONS OF THIS PARAGRAPH (p.5) SHALL NOT APPLY TO UNSOLICITED TRANSMISSIONS IF THERE IS AN EXISTING BUSINESS RELATIONSHIP BETWEEN THE SELLER AND THE CONSUMER AT THE TIME OF THE SOLICITATION OR IF THE FACSIMILE TRANSMISSION WAS REQUESTED OR INITIATED BY THE CONSUMER. THE PROVISIONS OF THIS PARAGRAPH (p.5) SHALL NOT APPLY TO THE TRANSMISSION OF DOCUMENTS BY A TELECOMMUNICATIONS PROVIDER TO THE EXTENT THAT THE TELECOMMUNICATIONS PROVIDER MERELY PROVIDES TRANSMISSION FACILITIES.

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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.*

(p.7) SELLS A CONSUMER'S FACSIMILE NUMBER WITHOUT EITHER GIVING NOTICE TO THE CONSUMER THAT THE NUMBER COULD BE SOLD TO OTHER PERSONS OR WITHOUT ALLOWING THE CONSUMER THE OPTION OF PREVENTING THE SALE OF THE CONSUMER'S NUMBER TO OTHERS;

**SECTION 2. Effective date.** This act shall take effect July 1, 1997.

**SECTION 3. 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: April 24, 1997