

## CHAPTER 188

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**CONSUMER AND COMMERCIAL TRANSACTIONS**

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SENATE BILL 97-226

BY SENATOR Schroeder;  
also REPRESENTATIVE Schauer.**AN ACT**CONCERNING THE EXEMPTION FROM THE LAWS GOVERNING TELEMARKETING FRAUD PREVENTION OF  
QUALIFIED TELEPHONE MARKETING SERVICE COMPANIES THAT PROVIDE TELEMARKETING SERVICES  
TO COMMERCIAL TELEPHONE SELLERS WHO ARE SUBJECT TO SAID LAWS.*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 6-1-302 (1) (s), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended to read:**6-1-302. Definitions.** As used in this part 3, unless the context otherwise requires:

(1) "Commercial telephone seller" or "seller" means a person who, in the course of such person's business, vocation, or occupation, on the person's own behalf or on behalf of another person, causes or attempts to cause a commercial telephone solicitation to be made; except that "commercial telephone seller" or "seller" does not include the following:

(s) Any telephone marketing service company which provides telemarketing sales services under written contract to sellers and has been operating continuously for at least five years under the same business name and seventy-five percent or more of its services are performed on behalf of sellers exempt from this section. ~~This exemption shall not apply to that portion of a telephone marketing service company's services performed on behalf of nonexempt sellers.~~ NOTHING IN THIS PARAGRAPH (s) SHALL BE CONSTRUED TO EXEMPT ANY SELLER THAT CONTRACTS WITH A TELEPHONE MARKETING SERVICE COMPANY FOR TELEMARKETING SALES SERVICES FROM THE REQUIREMENTS SET FORTH IN SECTION 6-1-303 OR FROM THE PROHIBITIONS SET

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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.*

FORTH IN SECTION 6-1-304.

**SECTION 2. 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 21, 1997