

## CHAPTER 106

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 03-1047**

BY REPRESENTATIVE(S) Sinclair, Cadman, Fairbank, Frangas, Hall, Larson, Sanchez, and Weissmann;  
also SENATOR(S) Takis, Fitz-Gerald, and Johnson S.

**AN ACT****CONCERNING THE ACCEPTANCE OF CONTRACT TERMS BY A PUBLIC ESTABLISHMENT.**

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

**SECTION 1.** Part 1 of article 44 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-44-101.5. Public establishment - vendor contract.** A CONTRACT BETWEEN A VENDOR AND A PUBLIC ESTABLISHMENT SHALL BE INVALID UNLESS THE VENDOR ENTERS INTO THE CONTRACT DIRECTLY WITH THE PUBLIC ESTABLISHMENT'S OWNER, GENERAL MANAGER, OR A PERSON WITH AUTHORITY TO ENTER INTO A CONTRACT AS SPECIFICALLY DESIGNATED IN WRITING BY SUCH OWNER OR GENERAL MANAGER. THE ACCEPTANCE OF DELIVERED ITEMS BY A PUBLIC ESTABLISHMENT FROM A VENDOR THAT INCLUDES AN INVOICE STATING THE TERMS OF A CONTRACT SHALL NOT CONSTITUTE ACCEPTANCE OF SUCH TERMS AND THE CONTRACT SHALL BE VOID.

**SECTION 2. Applicability.** This act shall apply to all contracts entered into on or after the effective date of this act.

**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 7, 2003

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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.*