

## CHAPTER 380

---

**CONSUMER AND COMMERCIAL TRANSACTIONS**

---

**SENATE BILL 03-340**

BY SENATOR(S) May R.;  
also REPRESENTATIVE(S) Cadman, Boyd, Fritz, Lundberg, Schultheis, Stafford, Stengel, and Wiens.

**AN ACT**

**CONCERNING EXEMPTIONS FROM REGISTRATION UNDER THE "COLORADO CHARITABLE SOLICITATIONS ACT".**

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

**SECTION 1.** 6-16-103 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**6-16-103. Definitions.** As used in this article, unless the context otherwise requires:

(7) "Paid solicitor" means a person who, for monetary compensation, performs any service in which contributions will be solicited in this state by such compensated person or by any compensated person he or she employs, procures, or engages, directly or indirectly, to solicit for contributions. The following persons are not "paid solicitors":

(f) A PERSON WHOSE ONLY RESPONSIBILITY IN CONNECTION WITH A CHARITABLE CONTRIBUTION IS TO PROVIDE A MERCHANT ACCOUNT TO PROCESS CREDIT CARD PAYMENTS USING THE INTERNET.

**SECTION 2.** The introductory portion to 6-16-104 (2) and 6-16-104 (6) (a), Colorado Revised Statutes, are amended to read:

**6-16-104. Charitable organizations - initial registration - annual filing - fees.**

(2) The registration statement shall be signed and sworn to under oath by ~~at least two authorized officers of~~ AN OFFICER OF the charitable organization, ~~including~~ WHICH MAY INCLUDE its chief fiscal officer, and shall contain the following information:

---

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

(6) The following shall not be required to file a registration statement:

(a) Persons that are exempt from filing a federal annual information return pursuant to 26 U.S.C. sec. 6033 (a) (2) (A) (i), (a) (2) (A) (iii), or (a) (2) (C) (i) OR PURSUANT TO 26 CFR 1.6033-2 (g) (1) (i) TO (g) (1) (iv) OR (g) (1) (vii);

**SECTION 3.** The introductory portion to 6-16-104.3 (2), Colorado Revised Statutes, is amended to read:

**6-16-104.3. Professional fundraising consultants - annual registration - fees.**

(2) Every contract between a professional fundraising consultant and a charitable organization or sponsor shall be in writing and signed by ~~at least two~~ AN authorized ~~officials~~ OFFICIAL of the charitable organization. The professional fundraising consultant shall provide a copy of the contract to the charitable organization prior to the performance of any material services under the contract and shall make a copy of the contract available to the secretary of state upon request. The contract shall contain all of the following provisions:

**SECTION 4.** The introductory portion to 6-16-104.6 (2), Colorado Revised Statutes, is amended to read:

**6-16-104.6. Paid solicitors - annual registration - filing of contracts - fees.**

(2) Every contract between a paid solicitor and a charitable organization or sponsor for each solicitation campaign shall be in writing and shall be signed by ~~at least two~~ AN authorized ~~officials~~ OFFICIAL of the charitable organization or sponsor, one of whom shall be a member of the organization's governing body, and by the paid solicitor if the paid solicitor is an individual or by the authorized contracting officer for the paid solicitor if the paid solicitor is not an individual. The paid solicitor shall provide a copy of the contract to the charitable organization prior to the performance of any material services under the contract and shall make a copy of the contract available to the secretary of state upon request. The contract shall contain all of the following provisions:

**SECTION 5. 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: June 5, 2003