

CHAPTER 94

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 25-1090

BY REPRESENTATIVE(S) Sirota and Ricks, Bacon, Bird, Boesenecker, Brown, Clifford, Duran, English, Froelich, Garcia, Hamrick, Jackson, Joseph, Lieder, Lindsay, Lindstedt, Mabrey, Rutinel, Zokaie, McCluskie, Phillips, Story, Titone; also SENATOR(S) Weissman and Cutter, Amabile, Ball, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Michaelson Jenet, Rodriguez, Sullivan, Wallace, Winter F., Coleman.

AN ACT**CONCERNING PROTECTIONS AGAINST DECEPTIVE PRICING PRACTICES.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that the purposes and policies of this act are to:

(a) Clarify and reiterate the law governing the setting and communication of prices in Colorado, including landlord obligations regarding setting and communicating the price of rent and other costs to residential tenants; and

(b) Protect people, including tenants, who experience deceptive, unfair, or unconscionable pricing of goods, services, or property in the state.

(2) Therefore, the general assembly further declares that this act should be broadly interpreted to achieve its intended purposes and policies.

SECTION 2. In Colorado Revised Statutes, **add** 6-1-737 as follows:

6-1-737. Requirement to disclose certain pricing information - landlords and tenants - remedies - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLEARLY AND CONSPICUOUSLY" OR "CLEAR AND CONSPICUOUS" MEANS THAT A REQUIRED DISCLOSURE IS EASILY NOTICEABLE AND UNDERSTANDABLE, INCLUDING IN ALL OF THE FOLLOWING WAYS:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) FOR A COMMUNICATION THAT IS ONLY VISUAL OR ONLY AUDIBLE, THE DISCLOSURE MUST BE MADE THROUGH THE SAME MEANS BY WHICH THE COMMUNICATION IS PRESENTED;

(II) FOR A COMMUNICATION THAT IS BOTH VISUAL AND AUDIBLE, SUCH AS A TELEVISION ADVERTISEMENT, THE DISCLOSURE MUST BE MADE SIMULTANEOUSLY IN BOTH THE VISUAL AND AUDIBLE PORTIONS OF THE COMMUNICATION, EVEN IF THE COMMUNICATION REQUIRING THE DISCLOSURE IS MADE THROUGH ONLY VISUAL OR AUDIBLE MEANS;

(III) FOR A VISUAL DISCLOSURE, THE DISCLOSURE MUST BE DISTINGUISHABLE BY ITS SIZE, CONTRAST, AND LOCATION; THE LENGTH OF TIME FOR WHICH IT APPEARS; AND OTHER CHARACTERISTICS FROM ACCOMPANYING TEXT OR OTHER VISUAL ELEMENTS SO THAT IT IS EASILY NOTICEABLE, READABLE, AND UNDERSTANDABLE TO ORDINARY PERSONS;

(IV) FOR AN AUDIBLE DISCLOSURE, INCLUDING BY TELEPHONE OR STREAMING VIDEO, THE DISCLOSURE MUST BE DELIVERED IN A VOLUME, SPEED, AND CADENCE SUFFICIENT FOR ORDINARY PERSONS TO EASILY HEAR AND UNDERSTAND IT;

(V) IN ANY COMMUNICATION USING AN INTERACTIVE ELECTRONIC MEDIUM, SUCH AS THE INTERNET OR SOFTWARE, THE DISCLOSURE MUST BE UNAVOIDABLE;

(VI) THE DISCLOSURE USES DICTION AND SYNTAX UNDERSTANDABLE TO ORDINARY PERSONS AND MUST APPEAR IN EACH LANGUAGE IN WHICH THE REPRESENTATION REQUIRING THE DISCLOSURE APPEARS;

(VII) THE DISCLOSURE MUST NOT BE CONTRADICTED OR MITIGATED BY, OR INCONSISTENT WITH, ANYTHING ELSE IN THE COMMUNICATION REQUIRING THE DISCLOSURE; AND

(VIII) THE DISCLOSURE MUST COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(a) FOR EACH MEDIUM THROUGH WHICH IT IS RECEIVED BY A PERSON, INCLUDING AN ELECTRONIC DEVICE OR FACE-TO-FACE COMMUNICATION.

(b) "COMMON AREAS" HAS THE MEANING SET FORTH IN SECTION 38-12-502 (2).

(c) "DELIVERY NETWORK COMPANY" HAS THE MEANING SET FORTH IN SECTION 8-4-126 (1)(c).

(d)(I) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION 38-12-502 (3).

(II) "DWELLING UNIT" DOES NOT INCLUDE COMMON AREAS.

(e) "FOOD AND BEVERAGE SERVICE ESTABLISHMENT" MEANS:

(I) A RETAIL FOOD ESTABLISHMENT, AS DEFINED IN SECTION 25-4-1602 (14);

(II) AN ALCOHOLIC BEVERAGES DRINKING PLACES INDUSTRY, AS DEFINED IN SECTION 39-26-105 (1.3)(a)(I);

(III) A BREW PUB, DISTILLERY PUB, OR VINTNER'S RESTAURANT, AS THOSE TERMS ARE DEFINED IN SECTION 44-3-103; OR

(IV) A RETAIL PORTION OF A BREWERY, DISTILLERY, OR WINERY, AS THOSE TERMS ARE DEFINED IN SECTION 44-3-103, THAT SELLS BEVERAGES FOR CONSUMPTION ON THE PREMISES.

(f) "GOVERNMENT CHARGE" MEANS A FEE OR CHARGE IMPOSED ON CONSUMERS BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY, UNIT, OR DEPARTMENT, INCLUDING TAXES OR FEES THAT ARE IMPOSED BY, PAID TO, OR PASSED ON TO A GOVERNMENT, INCLUDING A LOCAL GOVERNMENT ENTITY OR OTHER UNIT OF LOCAL GOVERNMENT, OR A POLITICAL SUBDIVISION OF THE STATE, INCLUDING A GOVERNMENT-CREATED SPECIAL DISTRICT.

(g) "LANDLORD" HAS THE MEANING SET FORTH IN SECTION 38-12-502 (5).

(h) "MANDATORY SERVICE CHARGE" MEANS A MANDATORY FEE, CHARGE, OR AMOUNT THAT A FOOD AND BEVERAGE SERVICE ESTABLISHMENT ADDS TO A CUSTOMER'S, GUEST'S, OR PATRON'S BILL.

(i) "PRICING INFORMATION" MEANS INFORMATION RELATING TO AN AMOUNT A PERSON MAY PAY.

(j) "RENTAL AGREEMENT" HAS THE MEANING SET FORTH IN SECTION 38-12-502 (7).

(k) "SHIPPING CHARGE" MEANS A FEE OR CHARGE THAT REFLECTS THE ACTUAL COST THAT A PERSON INCURS TO SEND PHYSICAL GOODS TO A PERSON.

(l) "TENANT" HAS THE MEANING SET FORTH IN SECTION 38-12-502 (9).

(m)(I) "TOTAL PRICE" MEANS THE MAXIMUM TOTAL OF ALL AMOUNTS, INCLUDING FEES AND CHARGES, THAT A PERSON MUST PAY FOR A GOOD, SERVICE, OR PROPERTY, INCLUDING ANY ADDITIONAL MANDATORY GOODS, SERVICES, OR PROPERTIES.

(II) "TOTAL PRICE" INCLUDES ALL AMOUNTS THAT:

(A) MUST BE PAID TO PURCHASE, ENJOY, OR UTILIZE A GOOD, SERVICE, OR PROPERTY; OR

(B) ARE NOT REASONABLY AVOIDABLE BY THE PERSON.

(III) "TOTAL PRICE" DOES NOT INCLUDE A GOVERNMENT CHARGE OR SHIPPING CHARGE UNLESS INCLUDED AT THE OPTION OF THE PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE, OR PROPERTY.

(2) (a) A PERSON SHALL NOT OFFER, DISPLAY, OR ADVERTISE AN AMOUNT A PERSON MAY PAY FOR A GOOD, SERVICE, OR PROPERTY UNLESS THE PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE, OR PROPERTY CLEARLY AND CONSPICUOUSLY DISCLOSES THE TOTAL PRICE FOR THE GOOD, SERVICE, OR PROPERTY AS A SINGLE NUMBER WITHOUT SEPARATING THE TOTAL

PRICE INTO SEPARATE FEES, CHARGES, OR AMOUNTS. THE TOTAL PRICE FOR THE GOOD, SERVICE, OR PROPERTY MUST BE DISCLOSED MORE PROMINENTLY THAN ANY OTHER PRICING INFORMATION FOR THE GOOD, SERVICE, OR PROPERTY.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON IS COMPLIANT WITH SUBSECTIONS (2)(a) AND (3)(b) OF THIS SECTION IF THE PERSON DOES NOT USE DECEPTIVE, UNFAIR, AND UNCONSCIONABLE ACTS OR PRACTICES RELATED TO THE PRICING OF GOODS, SERVICES, OR PROPERTY AND IF THE PERSON:

(I) IS A FOOD AND BEVERAGE SERVICE ESTABLISHMENT THAT, IN EVERY OFFER, DISPLAY, OR ADVERTISEMENT FOR THE PURCHASE OF A GOOD OR SERVICE, INCLUDES WITH THE PRICE OF THE GOOD OR SERVICE OFFERED, DISPLAYED, OR ADVERTISED A CLEAR AND CONSPICUOUS DISCLOSURE OF THE PERCENTAGE OR AMOUNT OF ANY MANDATORY SERVICE CHARGE AND AN ACCURATE DESCRIPTION OF HOW THE MANDATORY SERVICE CHARGE IS DISTRIBUTED;

(II) CAN DEMONSTRATE THAT THE PERSON IS OFFERING SERVICES FOR WHICH THE TOTAL PRICE OF THE SERVICE CANNOT REASONABLY BE KNOWN AT THE TIME OF THE OFFER DUE TO FACTORS THAT DETERMINE THE TOTAL PRICE THAT ARE BEYOND THE CONTROL OF THE PERSON OFFERING THE SERVICE, INCLUDING FACTORS THAT ARE DETERMINED BY CONSUMER SELECTIONS OR PREFERENCES OR THAT RELATE TO DISTANCE OR TIME, AND CLEARLY AND CONSPICUOUSLY DISCLOSES:

(A) THE FACTORS THAT DETERMINE THE TOTAL PRICE;

(B) ANY MANDATORY FEES ASSOCIATED WITH THE TRANSACTION; AND

(C) THAT THE TOTAL PRICE OF THE SERVICES MAY VARY.

(III) CAN DEMONSTRATE THAT THE PERSON IS GOVERNED BY AND COMPLIANT WITH APPLICABLE FEDERAL LAW, RULE, OR REGULATION REGARDING PRICE TRANSPARENCY FOR THE PURPOSES OF THE TRANSACTION AT ISSUE, INCLUDING, BUT NOT LIMITED TO:

(A) THE FEDERAL "TRUTH IN SAVINGS ACT", 12 U.S.C. SEC. 4301 ET SEQ.;

(B) THE FEDERAL "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C. SEC. 1693 ET SEQ.;

(C) SECTION 19 OF THE "FEDERAL RESERVE ACT", 12 U.S.C. SEC. 461 ET SEQ., AS AMENDED;

(D) THE FEDERAL "TRUTH IN LENDING ACT", 15 U.S.C. SEC. 1601 ET SEQ.;

(E) THE FEDERAL "HOME OWNERSHIP AND EQUITY PROTECTION ACT", 15 U.S.C. SEC. 1639;

(F) THE FEDERAL "INVESTMENT COMPANY ACT OF 1940", 15 U.S.C. 80a-1 ET SEQ.;

(G) THE FEDERAL "INVESTMENT ADVISERS ACT OF 1940", 15 U.S.C. SEC. 80b-1 ET SEQ.; OR

(H) THE FEDERAL REGULATION BEST INTEREST REGULATION IN 17 CFR 240.15l-1 PURSUANT TO THE FEDERAL "SECURITIES EXCHANGE ACT OF 1934", 15 U.S.C. 78a ET SEQ.;

(IV) CAN DEMONSTRATE THAT ANY FEES, COSTS, OR AMOUNTS CHARGED IN ADDITION TO THE TOTAL PRICE WERE:

(A) ASSOCIATED WITH SETTLEMENT SERVICES, AS DEFINED BY THE FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT", 12 U.S.C. SEC. 2602 (3); AND

(B) NOT REAL ESTATE BROKER COMMISSIONS OR FEES;

(V) CAN DEMONSTRATE THAT THE PERSON IS PROVIDING BROADBAND INTERNET ACCESS SERVICE ON THEIR OWN OR AS PART OF A BUNDLE, AS DEFINED IN 47 CFR 8.1 (b), AND IS COMPLIANT WITH THE BROADBAND CONSUMER LABEL REQUIREMENTS ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION IN FCC 22-86 ON NOVEMBER 14, 2022; OR

(VI) CAN DEMONSTRATE THAT THE PERSON IS A CABLE OPERATOR OR DIRECT BROADCAST SATELLITE PROVIDER AND IS COMPLIANT WITH TRUTH IN BILLING AND ADVERTISING REQUIREMENTS SPECIFIED IN 47 CFR 76.310.

(c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A DELIVERY NETWORK COMPANY IS COMPLIANT WITH SUBSECTIONS (2)(a) AND (3)(b) OF THIS SECTION IF THE DELIVERY NETWORK COMPANY DOES NOT USE DECEPTIVE, UNFAIR, AND UNCONSCIONABLE ACTS OR PRACTICES RELATED TO THE PRICING OF GOODS, SERVICES, OR PROPERTY AND:

(A) CLEARLY AND CONSPICUOUSLY DISCLOSES, AT THE POINT WHEN A CONSUMER VIEWS AND SELECTS A VENDOR OR GOODS OR SERVICES FOR PURCHASE, THAT AN ADDITIONAL FLAT FEE, VARIABLE FEE, OR PERCENTAGE FEE IS CHARGED, INCLUDING THE AMOUNT OF OR, IN THE CASE OF A VARIABLE FEE THAT IS DEPENDENT ON CONSUMER SELECTIONS OR DISTANCE AND TIME, THE FACTORS DETERMINING THE FEE, ANY MANDATORY FEES ASSOCIATED WITH THE TRANSACTION, AND THAT THE TOTAL PRICE OF THE SERVICES MAY VARY;

(B) PROVIDES AN ACCURATE DESCRIPTION OF THE RECIPIENTS AND PURPOSES OF THE ADDITIONAL FLAT FEE, VARIABLE FEE, OR PERCENTAGE FEE IN CONCISE LANGUAGE; AND

(C) DISPLAYS, AFTER A CONSUMER SELECTS A VENDOR OR GOODS OR SERVICES FOR PURCHASE BUT BEFORE COMPLETING THE TRANSACTION, A SUBTOTAL PAGE THAT ITEMIZES THE PRICE OF THE GOODS OR SERVICES FOR PURCHASE AND THE ADDITIONAL FLAT FEE, VARIABLE FEE, OR PERCENTAGE FEE THAT IS INCLUDED IN THE TOTAL PRICE.

(II) A DELIVERY NETWORK COMPANY MAY DISPLAY THE INFORMATION REQUIRED BY THIS SUBSECTION (2)(c) AS FOLLOWS:

(A) BY DISPLAYING ALL OF THE INFORMATION SPECIFIED IN SUBSECTION (2)(c)(I) OF THIS SECTION ON THE SAME PAGE; OR

(B) BY USING CONCISE LANGUAGE DISPLAYED VIA REASONABLE AND ACCESSIBLE MEANS AS DEFINED BY THE ATTORNEY GENERAL BY RULE.

(d) SUBSECTION (2)(a) OF THIS SECTION DOES NOT REQUIRE A LANDLORD OR LANDLORD'S AGENT TO INCLUDE, IN THE DISCLOSURE OF THE TOTAL PRICE FOR A DWELLING UNIT, THE ACTUAL COST CHARGED BY A UTILITY PROVIDER FOR SERVICE TO A TENANT'S DWELLING UNIT.

(3) (a) A PERSON SHALL NOT MISREPRESENT THE NATURE AND PURPOSE OF PRICING INFORMATION FOR A GOOD, SERVICE, OR PROPERTY, INCLUDING:

(I) THE REFUNDABILITY OF AN AMOUNT CHARGED;

(II) THE IDENTITY OF A GOOD, SERVICE, OR PROPERTY FOR WHICH AN AMOUNT IS CHARGED;

(III) THE RECIPIENT OF AN AMOUNT CHARGED FOR THE GOOD, SERVICE, OR PROPERTY; AND

(IV) THE ACTUAL PRICE OF THE GOOD, SERVICE, OR PROPERTY FOR WHICH AN AMOUNT IS CHARGED.

(b) UPON OFFERING, DISPLAYING, OR ADVERTISING AN AMOUNT A PERSON MAY PAY FOR A GOOD, SERVICE, OR PROPERTY AND BEFORE A PERSON CONSENTS TO PAY FOR THE GOOD, SERVICE, OR PROPERTY, THE PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE, OR PROPERTY SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE THE NATURE AND PURPOSE OF PRICING INFORMATION FOR THE GOOD, SERVICE, OR PROPERTY THAT IS NOT PART OF THE TOTAL PRICE FOR THE GOOD, SERVICE, OR PROPERTY, INCLUDING:

(I) THE REFUNDABILITY OF THE AMOUNT CHARGED FOR THAT GOOD, SERVICE, OR PROPERTY THAT IS NOT PART OF THE TOTAL PRICE;

(II) THE IDENTITY OF THAT GOOD, SERVICE, OR PROPERTY FOR WHICH AN AMOUNT IS CHARGED THAT IS NOT PART OF THE TOTAL PRICE; AND

(III) THE RECIPIENT OF THE AMOUNT CHARGED FOR THAT GOOD, SERVICE, OR PROPERTY THAT IS NOT PART OF THE TOTAL PRICE.

(4) A LANDLORD OR THE LANDLORD'S AGENT SHALL NOT REQUIRE A TENANT TO PAY A FEE, CHARGE, OR AMOUNT:

(a) RELATED TO THE PROVISION OF UTILITIES THAT IS ABOVE THE AMOUNT CHARGED BY THE UTILITY PROVIDER FOR SERVICE TO THE TENANT'S DWELLING UNIT, EXCEPT IN ACCORDANCE WITH SECTION 38-12-801 (3)(a)(VI);

(b) THAT INCREASES BY MORE THAN TWO PERCENT OVER THE COURSE OF A

RENTAL AGREEMENT OF ONE YEAR OR LESS, EXCEPT FOR THE COST OF UTILITIES PROVIDED TO THE TENANT'S DWELLING UNIT;

(c) RELATED TO THE PAYMENT OF PROPERTY TAXES;

(d) RELATED TO THE PROCESSING OF RENT OR OTHER PAYMENTS IF A MEANS OF PAYMENT THAT IS COST-FREE TO THE TENANT IS NOT REASONABLY ACCESSIBLE BY THE TENANT;

(e) RELATED TO THE OVERDUE PAYMENT OF A FEE, CHARGE, OR AMOUNT THAT IS NOT RENT;

(f) FOR A GOOD, SERVICE, OR PROPERTY NECESSARY TO COMPLY WITH THE RESPONSIBILITIES OR OBLIGATIONS OF A LANDLORD OR THE LANDLORD'S AGENT, INCLUDING THE LANDLORD'S RESPONSIBILITY TO PROVIDE A HABITABLE LIVING ENVIRONMENT IN ACCORDANCE WITH SECTION 38-12-503;

(g) ABOVE THE TOTAL PRICE OF THE GOOD, SERVICE, OR PROPERTY FOR WHICH AN AMOUNT IS CHARGED, EXCEPT AS PROVIDED IN SECTION 38-12-801 (3)(a)(VI);

(h) FOR A GOOD, SERVICE, OR PROPERTY NOT ACTUALLY PROVIDED;

(i) FOR THE MAINTENANCE OF COMMON AREAS; OR

(j) THAT VIOLATES THIS SECTION.

(5) (a) A PERSON THAT VIOLATES ANY OF THE REQUIREMENTS OR PROHIBITIONS OF THIS SECTION ENGAGES IN A DECEPTIVE, UNFAIR, AND UNCONSCIONABLE ACT OR PRACTICE.

(b) (I) IN ADDITION TO ANY REMEDIES OTHERWISE PROVIDED BY LAW OR IN EQUITY, PURSUANT TO A GOOD FAITH BELIEF THAT A VIOLATION OF ANY PROVISION OF THIS SECTION HAS OCCURRED IN A DISPUTE BETWEEN A LANDLORD AND A TENANT OVER A RESIDENTIAL PROPERTY OR A LESSOR AND A LESSEE OF A COMMERCIAL PROPERTY, A PERSON AGGRIEVED BY A VIOLATION MAY SEND A WRITTEN DEMAND TO THE ALLEGED VIOLATOR FOR REIMBURSEMENT OF ANY FEES, CHARGES, OR AMOUNTS IN VIOLATION OF THIS SECTION PAID BY THE AGGRIEVED PERSON OR A GROUP OF SIMILARLY SITUATED AGGRIEVED PERSONS, FOR THE ACTUAL DAMAGES SUFFERED, AND FOR THE ALLEGED VIOLATOR TO CEASE VIOLATING THIS SECTION. THE AGGRIEVED PERSON MAY NOTIFY THE ALLEGED VIOLATOR OF THEIR REFUSAL TO PAY ANY FEES, CHARGES, OR AMOUNTS THAT VIOLATE THIS SECTION.

(II) IF AN ALLEGED VIOLATOR DECLINES TO MAKE FULL LEGAL TENDER OF ALL FEES, CHARGES, AMOUNTS, OR ACTUAL DAMAGES DEMANDED OR REFUSES TO CEASE CHARGING THE AGGRIEVED PERSON AND THOSE SIMILARLY SITUATED THE FEES, CHARGES, OR AMOUNTS IN VIOLATION OF THIS SECTION WITHIN FOURTEEN DAYS AFTER THE RECEIPT OF A WRITTEN DEMAND SENT PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION, IN ADDITION TO ANY OTHER DAMAGES AVAILABLE BY LAW OR IN EQUITY, THE PERSON IS LIABLE FOR ACTUAL DAMAGES PLUS AN INTEREST RATE OF EIGHTEEN PERCENT PER ANNUM COMPOUNDED ANNUALLY.

(c) (I) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION DOES NOT NEED TO SEND A WRITTEN DEMAND, OR SATISFY ANY OTHER PRE-SUIT REQUIREMENT, BEFORE ASSERTING A CLAIM BASED ON A VIOLATION OF THIS SECTION.

(II) NOTHING IN THIS SECTION LIMITS REMEDIES AVAILABLE ELSEWHERE BY LAW OR IN EQUITY.

(6) THIS SECTION DOES NOT APPLY TO A PERSON GOVERNED BY FEDERAL LAW THAT PREEMPTS STATE LAW.

(7) THE ATTORNEY GENERAL MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 6-1-720, **amend** (1) introductory portion as follows:

6-1-720. Ticket sales - deceptive trade practice - definitions.

(1) NOTWITHSTANDING SECTION 6-1-737, a person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

SECTION 4. In Colorado Revised Statutes, 38-12-801, **amend** (3)(a)(VI) as follows:

38-12-801. Written rental agreement - prohibited clauses - copy - tenant - applicability - definitions. (3) (a) A written rental agreement must not include:

(VI) A provision that requires a tenant to pay a:

(A) Markup or fee for a service for which the landlord is billed by a third party; except that a written rental agreement may include a provision that requires a tenant to pay either a markup or fee in an amount that does not exceed two percent of the amount that the landlord was billed or a markup or fee in an amount that does not exceed a total of ten dollars per month, but not both. This subsection (3)(a)(VI) does not preclude a prevailing party from recovering an amount equal to any reasonable attorney fees awarded by a court pursuant to subsection (3)(a)(II) of this section; OR

(B) FEE, CHARGE, OR AMOUNT THAT VIOLATES ANY PART OF SECTION 6-1-737;

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2026; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: April 21, 2025