

An Act

SENATE BILL 23-037

BY SENATOR(S) Cutter, Bridges, Buckner, Fields, Gonzales, Kolker, Moreno, Priola, Rodriguez, Winter F., Fenberg;
also REPRESENTATIVE(S) Jodeh and Bradfield, Boesenecker, Brown, Daugherty, English, Epps, Kipp, Lieder, Lindsay, Lindstedt, Marshall, Parenti, Ricks, Sharbini, Story, Valdez, Weissman, Willford, Woodrow, McCluskie.

CONCERNING REQUIREMENTS FOR SOLICITATIONS RELATED TO THE
SECRETARY OF STATE.

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

SECTION 1. In Colorado Revised Statutes, 6-1-105, **add** (1)(vvv) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(vvv) VIOLATES SECTION 6-1-733.

SECTION 2. In Colorado Revised Statutes, **add** 6-1-733 as

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.

follows:

6-1-733. Solicitations to file a secretary of state document or retrieve a copy of a public record for a fee - requirements - definition.

(1) AS USED IN THIS SECTION, "SOLICIT" OR "SOLICITATION" MEANS TO DIRECTLY ADVERTISE TO A PERSON WITH A FORM OR NOTICE THAT COULD REASONABLY BE CONSIDERED A BILL, INVOICE, OR COMPLIANCE OBLIGATION BUT THAT IS ACTUALLY AN OFFER TO SELL TO A PERSON GOODS OR SERVICES THAT THE PERSON DID NOT REQUEST. "SOLICIT" AND "SOLICITATION" DO NOT INCLUDE:

(a) A REQUEST FOR BONA FIDE SERVICES THAT IS INITIATED BY A CONSUMER; OR

(b) ADVERTISING OR MARKETING TO A PERSON WITH WHOM THE SOLICITOR HAS A BONA FIDE, PREEXISTING BUSINESS RELATIONSHIP.

(2) A PERSON WHO, IN THE COURSE OF THE PERSON'S BUSINESS, VOCATION, OR OCCUPATION, SOLICITS A FEE FOR FILING A DOCUMENT WITH, OR RETRIEVING A COPY OF A PUBLIC RECORD FROM, THE SECRETARY OF STATE SHALL:

(a) STATE IN THE SOLICITATION AND IN THE SAME LANGUAGE AS THE SOLICITATION: "THIS IS AN ADVERTISEMENT. THIS OFFER IS NOT BEING MADE BY, OR ON BEHALF OF, ANY GOVERNMENT AGENCY. YOU ARE NOT REQUIRED TO MAKE ANY PAYMENT OR TAKE ANY OTHER ACTION IN RESPONSE TO THIS OFFER." THIS STATEMENT MUST BE AT THE TOP OF A PHYSICAL DOCUMENT IN AT LEAST TWENTY-FOUR-POINT TYPE AND AT THE BEGINNING OF AN ELECTRONIC COMMUNICATION.

(b) INCLUDE IN THE SOLICITATION:

(I) INFORMATION ON WHERE THE PERSON CAN FILE A DOCUMENT DIRECTLY WITH THE SECRETARY OF STATE OR RETRIEVE A COPY OF A PUBLIC RECORD; AND

(II) THE NAME AND PHYSICAL ADDRESS OF THE PERSON SOLICITING THE FEE.

(3) THE DOCUMENT USED FOR A SOLICITATION MUST NOT BE IN A

FORM OR USE DEADLINE DATES OR OTHER LANGUAGE THAT MAKES THE DOCUMENT APPEAR TO BE A DOCUMENT ISSUED BY A STATE AGENCY OR LOCAL GOVERNMENT OR THAT APPEARS TO IMPOSE A LEGAL DUTY ON THE PERSON BEING SOLICITED.

(4) A PERSON WHO VIOLATES THIS SECTION ENGAGES IN A DECEPTIVE TRADE PRACTICE.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2024 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 solicitations made on or after the applicable effective date of this act.



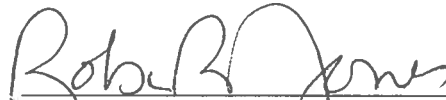
Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

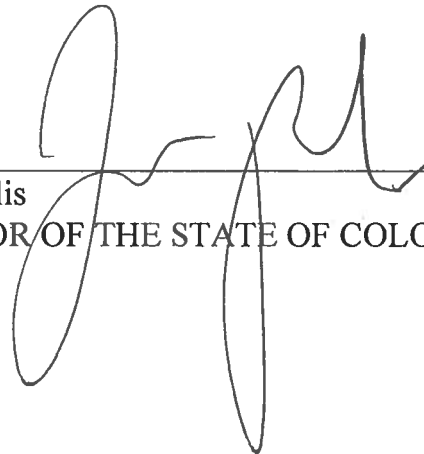


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Tuesday, April 11th 2023 at 1:15 PM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO