

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 19, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 4, after line 26 insert:
 - 2 "(c) "DELIVERY NETWORK COMPANY" HAS THE MEANING SET
 - 3 FORTH IN SECTION 8-4-126 (1)(c)."
- 4 Reletter succeeding paragraphs accordingly.
- 5 Page 8, line 24, strike the second "OR".
- 6 Page 9, line 2, strike "2022." and substitute "2022; OR
- 7 (VI) CAN DEMONSTRATE THAT THE PERSON IS A CABLE OPERATOR
- 8 OR DIRECT BROADCAST SATELLITE PROVIDER AND IS COMPLIANT WITH
- 9 TRUTH IN BILLING AND ADVERTISING REQUIREMENTS SPECIFIED IN 47 CFR
- 10 76.310."
- 11 Page 9, strike lines 3 through 6 and substitute:
 - 12 "(c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
 - 13 THE CONTRARY, A DELIVERY NETWORK COMPANY IS COMPLIANT WITH
 - 14 SUBSECTIONS (2)(a) AND (3)(b) OF THIS SECTION IF THE DELIVERY
 - 15 NETWORK COMPANY DOES NOT USE DECEPTIVE, UNFAIR, AND
 - 16 UNCONSCIONABLE ACTS OR PRACTICES RELATED TO THE PRICING OF
 - 17 GOODS, SERVICES, OR PROPERTY AND:
 - 18 (A) CLEARLY AND CONSPICUOUSLY DISCLOSES, AT THE POINT
 - 19 WHEN A CONSUMER VIEWS AND SELECTS A VENDOR OR GOODS OR
 - 20 SERVICES FOR PURCHASE, THAT AN ADDITIONAL FLAT FEE, VARIABLE FEE,
 - 21 OR PERCENTAGE FEE IS CHARGED, INCLUDING THE AMOUNT OF OR, IN THE
 - 22 CASE OF A VARIABLE FEE THAT IS DEPENDENT ON CONSUMER SELECTIONS
 - 23 OR DISTANCE AND TIME, THE FACTORS DETERMINING THE FEE, ANY

1 MANDATORY FEES ASSOCIATED WITH THE TRANSACTION, AND THAT THE
2 TOTAL PRICE OF THE SERVICES MAY VARY;
3 (B) PROVIDES AN ACCURATE DESCRIPTION OF THE RECIPIENTS AND
4 PURPOSES OF THE ADDITIONAL FLAT FEE, VARIABLE FEE, OR PERCENTAGE
5 FEE IN CONCISE LANGUAGE; AND
6 (C) DISPLAYS, AFTER A CONSUMER SELECTS A VENDOR OR GOODS
7 OR SERVICES FOR PURCHASE BUT BEFORE COMPLETING THE TRANSACTION,
8 A SUBTOTAL PAGE THAT ITEMIZES THE PRICE OF THE GOODS OR SERVICES
9 FOR PURCHASE AND THE ADDITIONAL FLAT FEE, VARIABLE FEE, OR
10 PERCENTAGE FEE THAT IS INCLUDED IN THE TOTAL PRICE.
11 (II) A DELIVERY NETWORK COMPANY MAY DISPLAY THE
12 INFORMATION REQUIRED BY THIS SUBSECTION (2)(c) AS FOLLOWS:
13 (A) BY DISPLAYING ALL OF THE INFORMATION SPECIFIED IN
14 SUBSECTION (2)(c)(I) OF THIS SECTION ON THE SAME PAGE; OR
15 (B) BY USING CONCISE LANGUAGE DISPLAYED VIA REASONABLE
16 AND ACCESSIBLE MEANS AS DEFINED BY THE ATTORNEY GENERAL BY
17 RULE."

18 Page 11, line 9, strike "(a)".

19 Page 11, strike lines 12 through 27.

20 Page 12, strike lines 1 through 19 and insert:

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

23 Renumber succeeding subsection accordingly.

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