

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0236.02 Sarah Lozano x3858

HOUSE BILL 25-1090

HOUSE SPONSORSHIP

Sirota and Ricks,

SENATE SPONSORSHIP

Weissman and Cutter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS AGAINST DECEPTIVE PRICING PRACTICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 2 of the bill:

- Prohibits a person from offering, displaying, or advertising pricing information for a good, service, or property unless the person discloses the maximum total (total price) of all amounts that a person may pay for the good, service, or property, not including a government charge or shipping charge (total price disclosure requirement);
- Prohibits a person from misrepresenting the nature and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
February 28, 2025

purpose of pricing information for a good, service, or property;

- Requires a person to disclose the nature and purpose of pricing information for a good, service, or property that is not part of the total price; and
- Prohibits a landlord from requiring a tenant to pay certain fees, charges, or amounts.

A person does not violate the total price disclosure requirement 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:

- Is a food and beverage service establishment that:
 - Includes a disclosure in the total price for a good or service the amount of any mandatory service charge and how the mandatory service charge is distributed; and
 - Distributes any mandatory service charge exclusively to nonmanagerial employees in accordance with applicable laws; or
- Can demonstrate that the person is governed by and compliant with applicable federal law regarding pricing transparency.

A violation of the above prohibitions and requirement (violation) constitutes a deceptive, unfair, and unconscionable act or practice.

Section 2 also, along with any other remedies available by law or in equity, allows a person aggrieved by a violation to bring a civil action and send a written demand for the violation. If a person declines to make full legal tender of all fees, charges, amounts, or damages demanded or refuses to cease charging the aggrieved person within 14 days after receiving the written demand, the person is liable for the greater of:

- 3 times the actual damages incurred; or
- At least \$100 to no more than \$1,000 per person per violation.

Current law prohibits a written rental agreement from including a provision requiring a tenant to pay a markup or fee for a service for which the landlord is billed by a third party. **Section 3** changes that provision to prohibit the inclusion of a provision in a written rental agreement that requires a tenant to pay a fee that is a violation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly

3 finds and declares that the purposes and policies of this act are to:

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

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

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

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

13 **6-1-737. Requirement to disclose certain pricing information**
14 **- landlords and tenants - remedies - rules - definitions.** (1) AS USED
15 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 [REDACTED]
17 (a) "CLEARLY AND CONSPICUOUSLY" OR "CLEAR AND
18 CONSPICUOUS" MEANS THAT A REQUIRED DISCLOSURE IS EASILY
19 NOTICEABLE AND UNDERSTANDABLE, INCLUDING IN ALL OF THE
20 FOLLOWING WAYS:

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

24 (II) FOR A COMMUNICATION THAT IS BOTH VISUAL AND AUDIBLE,
25 SUCH AS A TELEVISION ADVERTISEMENT, THE DISCLOSURE MUST BE MADE
26 SIMULTANEOUSLY IN BOTH THE VISUAL AND AUDIBLE PORTIONS OF THE
27 COMMUNICATION, EVEN IF THE COMMUNICATION REQUIRING THE

1 DISCLOSURE IS MADE THROUGH ONLY VISUAL OR AUDIBLE MEANS;

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

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

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

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

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

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

25 (b) "COMMON AREAS" HAS THE MEANING SET FORTH IN SECTION
26 38-12-502 (2).

27 (c) (I) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION

1 38-12-502 (3).

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

3 (d) "FOOD AND BEVERAGE SERVICE ESTABLISHMENT" MEANS:

4 (I) A RETAIL FOOD ESTABLISHMENT, AS DEFINED IN SECTION
5 25-4-1602 (14);

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

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

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

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

20 (f) "LANDLORD" HAS THE MEANING SET FORTH IN SECTION
21 38-12-502 (5).

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

25 (h) "PRICING INFORMATION" MEANS INFORMATION RELATING TO
26 AN AMOUNT A PERSON MAY PAY.

27 (i) "RENTAL AGREEMENT" HAS THE MEANING SET FORTH IN

1 SECTION 38-12-502 (7).

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

5 (k) "TENANT" HAS THE MEANING SET FORTH IN SECTION 38-12-502
6 (9).

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

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

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

14 (B) ARE NOT REASONABLY AVOIDABLE BY THE PERSON.

15

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

20 (2) (a) A PERSON SHALL NOT OFFER, DISPLAY, OR ADVERTISE AN
21 AMOUNT A PERSON MAY PAY FOR A GOOD, SERVICE, OR PROPERTY UNLESS
22 THE PERSON OFFERING, DISPLAYING, OR ADVERTISING THE GOOD, SERVICE,
23 OR PROPERTY CLEARLY AND CONSPICUOUSLY DISCLOSES THE TOTAL PRICE
24 FOR THE GOOD, SERVICE, OR PROPERTY AS A SINGLE NUMBER WITHOUT
25 SEPARATING THE TOTAL PRICE INTO SEPARATE FEES, CHARGES, OR
26 AMOUNTS. THE TOTAL PRICE FOR THE GOOD, SERVICE, OR PROPERTY MUST
27 BE DISCLOSED MORE PROMINENTLY THAN ANY OTHER PRICING

1 INFORMATION FOR THE GOOD, SERVICE, OR PROPERTY.

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

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

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

21 (A) THE FACTORS THAT DETERMINE THE TOTAL PRICE;

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

23 AND

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

25 (III) CAN DEMONSTRATE THAT THE PERSON IS GOVERNED BY AND
26 COMPLIANT WITH APPLICABLE FEDERAL LAW, RULE, OR REGULATION
27 REGARDING PRICE TRANSPARENCY FOR THE PURPOSES OF THE

1 TRANSACTION AT ISSUE, INCLUDING, BUT NOT LIMITED TO:

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

3 ET SEQ.;

4 (B) THE FEDERAL "ELECTRONIC FUND TRANSFER ACT", 15 U.S.C.

5 SEC. 1693 ET SEQ.;

6 (C) SECTION 19 OF THE "FEDERAL RESERVE ACT", 12 U.S.C. SEC.

7 461 ET SEQ., AS AMENDED;

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

9 ET SEQ.;

10 (E) THE FEDERAL "HOME OWNERSHIP AND EQUITY PROTECTION

11 ACT", 15 U.S.C. SEC. 1639;

12 (F) THE FEDERAL "INVESTMENT COMPANY ACT OF 1940", 15

13 U.S.C. 80a-1 ET SEQ.;

14 (G) THE FEDERAL "INVESTMENT ADVISERS ACT OF 1940", 15

15 U.S.C. SEC. 80b-1 ET SEQ.; OR

16 (H) THE FEDERAL REGULATION BEST INTEREST REGULATION IN 17

17 CFR 240.151-1 PURSUANT TO THE FEDERAL "SECURITIES EXCHANGE ACT

18 OF 1934", 15 U.S.C. 78a ET SEQ.;

19 (IV) CAN DEMONSTRATE THAT ANY FEES, COSTS, OR AMOUNTS

20 CHARGED IN ADDITION TO THE TOTAL PRICE WERE:

21 (A) ASSOCIATED WITH SETTLEMENT SERVICES, AS DEFINED BY THE

22 FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT", 12 U.S.C. SEC.

23 2602 (3); AND

24 (B) NOT REAL ESTATE BROKER COMMISSIONS OR FEES; OR

25 (V) CAN DEMONSTRATE THAT THE PERSON IS PROVIDING

26 BROADBAND INTERNET ACCESS SERVICE ON THEIR OWN OR AS PART OF A

27 BUNDLE, AS DEFINED IN 47 CFR 8.1 (b), AND IS COMPLIANT WITH THE

1 BROADBAND CONSUMER LABEL REQUIREMENTS ADOPTED BY THE FEDERAL
2 COMMUNICATIONS COMMISSION IN FCC 22-86 ON NOVEMBER 14, 2022.

3 (c) THIS SECTION DOES NOT APPLY TO A PERSON THAT CAN
4 DEMONSTRATE THAT THE PERSON IS GOVERNED BY AND COMPLIANT WITH
5 FEDERAL LAW THAT REGULATES PRICING TRANSPARENCY FOR THE
6 TRANSACTION AT ISSUE AND THAT PREEMPTS STATE LAW.

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

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

14 (I) THE REFUNDABILITY OF AN AMOUNT CHARGED;

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

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

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

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

1 OR PROPERTY, INCLUDING:

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

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

6 AND

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

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

11 (a) RELATED TO THE PROVISION OF UTILITIES THAT IS ABOVE THE
12 AMOUNT CHARGED BY THE UTILITY PROVIDER FOR SERVICE TO THE
13 TENANT'S DWELLING UNIT, EXCEPT IN ACCORDANCE WITH SECTION
14 38-12-801 (3)(a)(VI);

15 (b) THAT INCREASES BY MORE THAN TWO PERCENT OVER THE
16 COURSE OF A RENTAL AGREEMENT OF ONE YEAR OR LESS, EXCEPT FOR THE
17 COST OF UTILITIES PROVIDED TO THE TENANT'S DWELLING UNIT;

18 (c) RELATED TO THE PAYMENT OF PROPERTY TAXES;

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

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

24 (f) FOR A GOOD, SERVICE, OR PROPERTY NECESSARY TO COMPLY
25 WITH THE RESPONSIBILITIES OR OBLIGATIONS OF A LANDLORD OR THE
26 LANDLORD'S AGENT, INCLUDING THE LANDLORD'S RESPONSIBILITY TO
27 PROVIDE A HABITABLE LIVING ENVIRONMENT IN ACCORDANCE WITH

1 SECTION 38-12-503;

2 (g) ABOVE THE TOTAL PRICE OF THE GOOD, SERVICE, OR PROPERTY
3 FOR WHICH AN AMOUNT IS CHARGED, EXCEPT AS PROVIDED IN SECTION
4 38-12-801 (3)(a)(VI);

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

7 (i) FOR THE MAINTENANCE OF COMMON AREAS; OR

8 (j) THAT VIOLATES THIS SECTION.

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

12 (b) (I) IN ADDITION TO ANY REMEDIES OTHERWISE PROVIDED BY
13 LAW OR IN EQUITY:

14 (A) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY
15 BRING A CIVIL ACTION AGAINST THE ALLEGED VIOLATOR TO RESTRAIN
16 FURTHER VIOLATIONS AND TO RECOVER ACTUAL DAMAGES, COSTS, AND
17 REASONABLE ATTORNEY FEES; AND

18 (B) PURSUANT TO A GOOD FAITH BELIEF THAT A VIOLATION OF ANY
19 PROVISION OF THIS SECTION HAS OCCURRED IN A DISPUTE BETWEEN A
20 LANDLORD AND A TENANT OVER A RESIDENTIAL PROPERTY OR A LESSOR
21 AND A LESSEE OF A COMMERCIAL PROPERTY, A PERSON AGGRIEVED BY A
22 VIOLATION MAY SEND A WRITTEN DEMAND TO THE ALLEGED VIOLATOR
23 FOR REIMBURSEMENT OF ANY FEES, CHARGES, OR AMOUNTS IN VIOLATION
24 OF THIS SECTION PAID BY THE AGGRIEVED PERSON OR A GROUP OF
25 SIMILARLY SITUATED AGGRIEVED PERSONS, FOR THE ACTUAL DAMAGES
26 SUFFERED, AND FOR THE ALLEGED VIOLATOR TO CEASE VIOLATING THIS
27 SECTION. THE AGGRIEVED PERSON MAY NOTIFY THE ALLEGED VIOLATOR

1 OF THEIR REFUSAL TO PAY ANY FEES, CHARGES, OR AMOUNTS THAT
2 VIOLATE THIS SECTION.

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

13
14 (c) (I) A PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION
15 DOES NOT NEED TO SEND A WRITTEN DEMAND, OR SATISFY ANY OTHER
16 PRE-SUIT REQUIREMENT, BEFORE ASSERTING A CLAIM BASED ON A
17 VIOLATION OF THIS SECTION.

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

20 (6) THE ATTORNEY GENERAL MAY ADOPT RULES TO IMPLEMENT
21 THIS SECTION.

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

24 **6-1-720. Ticket sales - deceptive trade practice - definitions.**
25 (1) NOTWITHSTANDING SECTION 6-1-737, a person engages in a deceptive
26 trade practice when, in the course of the person's business, vocation, or
27 occupation, the person:

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

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

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

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

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

18 **SECTION 5. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect January 1, 2026; except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2026 and, in such case, will take effect on the date of the official
26 declaration of the vote thereon by the governor.

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