

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

INTRODUCED

LLS NO. 21-0359.01 Jennifer Berman x3286

SENATE BILL 21-091

SENATE SPONSORSHIP

Liston and Rodriguez, Coleman

HOUSE SPONSORSHIP

Bird and Larson, Lynch, Van Beber

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON CREDIT TRANSACTION CHARGES.**

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>.)

Under current law, a seller, lessor, or company issuing a credit or charge card is prohibited from imposing a surcharge against a person who elects to pay for a sales or lease transaction by using a credit or charge card. The bill:

- Repeals the prohibition; and
- Limits the maximum surcharge amount per transaction to 2% of the total cost to the buyer for the sales or lease transaction.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 5-2-212, **amend** (1)
3 as follows:

4 **5-2-212. Surcharges on credit transactions - definition.**

5 (1) (a) Except as otherwise provided in sections 24-19.5-103 (3) and
6 29-11.5-103 (3), ~~C.R.S., no~~ A seller or lessor in any sales or lease
7 transaction or any company issuing credit or charge cards may impose a
8 surcharge on a holder who elects to use a credit or charge card in lieu of
9 payment by cash, check, or similar means IN AN AMOUNT NOT TO EXCEED
10 TWO PERCENT OF THE TOTAL COST TO THE BUYER OR LESSEE FOR THE
11 SALES OR LEASE TRANSACTION.

12 (b) A surcharge is any additional amount imposed at the time of
13 the sales or lease transaction by the merchant, seller, or lessor that
14 increases the charge to the buyer or lessee for the privilege of using a
15 credit or charge card.

16 (c) ~~For purposes of this section~~ AS USED IN THIS SUBSECTION (1),
17 "charge card" includes those cards pursuant to which unpaid balances are
18 payable on demand.

19 **SECTION 2.** In Colorado Revised Statutes, 11-110-114, **amend**
20 (2) as follows:

21 **11-110-114. Multiple locations.** (2) Each licensee may, ~~without~~
22 ~~violating section 5-2-212,~~ notwithstanding whether ~~or not~~ a facility or
23 mode only accepts credit cards, conduct business through physical and
24 electronic facilities, including by telephone and internet, and may charge
25 a different price for the provision of services based upon the type of
26 facility or mode of services used in the transaction. ~~so long as the price~~

1 ~~for the service within a single such facility or mode is not greater for a~~
2 ~~credit card than for other forms of payment.~~

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly; except
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V
7 of the state constitution against this act or an item, section, or part of this
8 act within such period, then the act, item, section, or part will not take
9 effect unless approved by the people at the general election to be held in
10 November 2022 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.