

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 11-1065.01 Duane Gall

SENATE BILL 11-271

SENATE SPONSORSHIP

Shaffer B.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF DECEPTIVE TRADE PRACTICES IN**
102 **THE SOLICITATION OF ORDERS FOR RETAIL FLORIST SERVICES.**

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://www.leg.state.co.us/billsummaries.>)

The bill makes it a deceptive trade practice to solicit retail orders for florist services without disclosing relevant information including the amount of any fee or surcharge added by the person soliciting the order and the true name, physical address, and local telephone number of the florist who will fill the order.

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

SENATE
2nd Reading Unamended
May 6, 2011

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

2 **SECTION 1.** 6-1-105 (1), Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **6-1-105. Deceptive trade practices.** (1) A person engages in a
5 deceptive trade practice when, in the course of such person's business,
6 vocation, or occupation, such person:

7 (ddd) VIOLATES ANY PROVISION OF SECTION 6-1-723.

8 **SECTION 2.** Part 7 of article 1 of title 6, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11 **6-1-723. Florist services - intermediaries - deceptive trade**
12 **practices.** (1) A PERSON ENGAGES IN A DECEPTIVE TRADE PRACTICE
13 WHEN, IN THE COURSE OF THE PERSON'S BUSINESS, VOCATION, OR
14 OCCUPATION, THE PERSON GATHERS, SOLICITS, AGGREGATES, OR RELAYS
15 CUSTOMER ORDERS FOR FLORIST SERVICES BY MEANS OF A WEB SITE OR
16 ANY OTHER METHOD AND:

17 (a) FAILS TO DISCLOSE TO EACH CUSTOMER:

18 (I) THE PERSON'S TRUE NAME, PHYSICAL LOCATION, AND LOCAL
19 TELEPHONE NUMBER; AND

20 (II) THE TRUE NAME, PHYSICAL LOCATION, AND LOCAL TELEPHONE
21 NUMBER OF THE FLORIST WHO WILL FILL THE CUSTOMER'S ORDER;

22 (b) CHARGES THE CUSTOMER ANY FEE OR SURCHARGE THAT IS NOT
23 CLEARLY DISCLOSED, IN ADVANCE, TO BOTH THE CUSTOMER AND THE
24 FLORIST WHO WILL FILL THE CUSTOMER'S ORDER; OR

25 (c) FAILS TO RELAY THE CUSTOMER'S ORDER IMMEDIATELY TO THE
26 FLORIST WHO WILL FILL THE CUSTOMER'S ORDER.

1 **SECTION 3. Effective date - applicability.** This act shall take
2 effect upon passage and shall apply to acts committed on or after said
3 date.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.