

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

INTRODUCED

LLS NO. 26-0295.02 Jennifer Berman x3286

HOUSE BILL 26-1012

HOUSE SPONSORSHIP

Zokaie and Brown,

SENATE SPONSORSHIP

Lindstedt and Weissman,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONSUMER PROTECTIONS TO PROMOTE FAIR MARKET**
102 **PRICING PRACTICES IN THE STATE.**

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>.)

In 2025, the general assembly enacted House Bill 25-1090, which requires clear and conspicuous disclosures regarding the maximum total price charged for goods, services, and property. The bill adds a requirement that a person selling goods for delivery must disclose, at the point of sale, a comparison of the total price for the delivered goods and the total price for the goods available for purchase on site at a store.

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.

The bill also prohibits a person from charging unreasonably excessive prices to a captive consumer and defines "captive consumer" as a consumer who is at a location at which a seller of ancillary goods or services does not have competitors regarding the ancillary goods or services being sold. A person that charges unreasonably excessive prices to a captive consumer engages in an unfair or deceptive trade practice in violation of the "Colorado Consumer Protection Act".

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:

4 (a) At certain locations in the state, such as airports, event venues,
5 and hospitals, there is not a competitive market for ancillary goods and
6 services sold at those locations, and consumers at those locations are
7 captive to a seller's prices because the consumers' only choice is to pay
8 the price for an ancillary good or service or not purchase the good or
9 service;

10 (b) These "captive consumers" lack the ability to shop around for
11 a better price for a good or service; and

12 (c) While the existing prohibitions against unfair or deceptive
13 trade practices under the "Colorado Consumer Protection Act" apply to
14 excessive prices charged to captive consumers, a specific provision
15 making it an unfair or deceptive trade practice to charge captive
16 consumers with excessive prices should be added in the act to clarify the
17 existing law.

18 **SECTION 2.** In Colorado Revised Statutes, 6-1-737, **amend**
19 (2)(c)(I); and **add** (1)(c.5), (1)(f.3), (1)(f.5), (1)(h.5), and (2)(c.5) as
20 follows:

21 **6-1-737. Requirement to disclose certain pricing information**
22 **- delivery service platforms - landlords and tenants - remedies - rules**

1 **- definitions.**

2 (1) As used in this section, unless the context otherwise requires:

3 (c.5) "DELIVERY SERVICE PLATFORM" MEANS AN ONLINE
4 APPLICATION, AN INTERNET SERVICE, OR OTHER ONLINE SYSTEM THAT A
5 PERSON USES TO FACILITATE, MANAGE, OR FACILITATE AND MANAGE THE
6 DELIVERY OF GOODS OR SERVICES.

7 (f.3) "GROCERY STORE" HAS THE MEANING SET FORTH IN SECTION
8 25-4-1602 (5.5).

9 (f.5) "IN-STORE PRICE" MEANS THE TOTAL PRICE FOR A GOOD THAT
10 A CONSUMER WOULD PAY ON SITE AT THE STORE FROM WHICH THE GOOD
11 IS BEING DELIVERED.

12 (h.5) "ON-APP PRICE" MEANS THE TOTAL PRICE FOR A GOOD THAT
13 IS SELECTED FOR PURCHASE AND DELIVERY THROUGH A DELIVERY SERVICE
14 PLATFORM.

15 (2) (c) (I) Notwithstanding any provision of this section to the
16 contrary, a delivery network company ~~is compliant~~ COMPLIES with
17 subsections (2)(a) and (3)(b) of this section if the delivery network
18 company does not use deceptive, unfair, and unconscionable acts or
19 practices related to the pricing of goods, services, or property and:

20 (A) Clearly and conspicuously discloses, at the point when a
21 consumer views and selects a vendor or goods or services for purchase,
22 that an additional flat fee, variable fee, or percentage fee is charged,
23 including the amount of or, in the case of a variable fee that is dependent
24 on consumer selections or distance and time, the factors determining the
25 fee, any mandatory fees associated with the transaction, and that the total
26 price of the services may vary;

27 (B) Provides an accurate description of the recipients and

1 purposes of the additional flat fee, variable fee, or percentage fee in
2 concise language; ~~and~~

3 (C) WITH RESPECT TO GOODS, CLEARLY AND CONSPICUOUSLY
4 DISCLOSES, AT THE POINT WHEN THE CONSUMER VIEWS AND SELECTS A
5 GOOD FOR PURCHASE, A COMPARISON OF THE ON-APP PRICE FOR THE GOOD
6 AND THE IN-STORE PRICE FOR THE GOOD; AND

7 ~~(C)~~ (D) Displays, after a consumer selects a vendor or goods or
8 services for purchase but before completing the transaction, a subtotal
9 page that itemizes the price of the goods or services for purchase; ~~and~~ the
10 additional flat fee, variable fee, or percentage fee that is included in the
11 total price; AND, FOR GOODS PURCHASED, A COMPARISON OF THE
12 CUMULATIVE ON-APP PRICE FOR ALL GOODS SELECTED FOR PURCHASE AND
13 THE CUMULATIVE IN-STORE PRICE FOR ALL GOODS SELECTED FOR
14 PURCHASE.

15 (c.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
16 CONTRARY, A PERSON, INCLUDING A GROCERY STORE, COMPLIES WITH
17 SUBSECTIONS (2)(a) AND (3)(b) OF THIS SECTION IF THE PERSON DOES NOT
18 USE DECEPTIVE, UNFAIR, AND UNCONSCIONABLE ACTS OR PRACTICES
19 RELATED TO THE PRICING OF GOODS AND COMPLIES WITH SUBSECTIONS
20 (2)(c)(I)(C) AND (2)(c)(I)(D) OF THIS SECTION WITH RESPECT TO THE
21 PERSON'S DELIVERY SERVICE PLATFORM.

22 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-741 as
23 follows:

24 **6-1-741. Price gouging captive consumers prohibited -**
25 **definitions - rules.**

26 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) (I) "CAPTIVE CONSUMER" MEANS A CONSUMER WHO IS AT A
2 LOCATION IN THE STATE AT WHICH A SELLER OF ANCILLARY GOODS OR
3 SERVICES DOES NOT HAVE COMPETITORS REGARDING THE ANCILLARY
4 GOODS OR SERVICES BEING SOLD.

5 (II) "CAPTIVE CONSUMER" INCLUDES A CONSUMER LOCATED:

6 (A) AT AN AIRPORT;

7 (B) IN A HOSPITAL OR AN EMERGENCY ROOM;

8 (C) AT AN EVENT VENUE WITH A SEATING OR STANDING CAPACITY
9 OF TWO THOUSAND OR MORE INDIVIDUALS;

10 (D) AT AN ORGANIZED OUTDOOR EVENT, SUCH AS A FAIR OR
11 FESTIVAL, FOR WHICH MORE THAN TWO THOUSAND ATTENDEES ARE
12 EXPECTED; OR

13 (E) IN A CORRECTIONAL FACILITY.

14 (b) "CAPTIVE CONSUMER LOCATION" MEANS A LOCATION AT
15 WHICH CAPTIVE CONSUMERS ARE PRESENT.

16 (c) "CORRECTIONAL FACILITY" HAS THE MEANING SET FORTH IN
17 SECTION 24-4.1-302 (1.3).

18 (2) (a) A PERSON IS PRESUMED TO BE ENGAGED IN AN UNFAIR OR
19 DECEPTIVE TRADE PRACTICE IF THE PERSON CHARGES A CAPTIVE
20 CONSUMER A PRICE FOR AN ANCILLARY GOOD OR SERVICE THAT IS MORE
21 THAN THE AVERAGE PRICE OFFERED FOR A COMPARABLE GOOD OR SERVICE
22 SOLD IN THE COUNTY IN WHICH THE CAPTIVE CONSUMER PURCHASES THE
23 ANCILLARY GOOD OR SERVICE.

24 (b) IF THE PRICE OF AN ANCILLARY GOOD OR SERVICE SOLD TO A
25 CAPTIVE CONSUMER EXCEEDS THE AVERAGE PRICE FOR COMPARABLE
26 GOODS OR SERVICES SOLD OR OFFERED FOR SALE IN THE SAME COUNTY,
27 THE SELLER OF THE ANCILLARY GOOD OR SERVICE MAY REBUT THE

1 PRESUMPTION THAT THE SELLER ENGAGED IN AN UNFAIR OR DECEPTIVE
2 TRADE PRACTICE BY DEMONSTRATING THAT THE PRICE OF THE ANCILLARY
3 GOOD OR SERVICE WAS NOT UNREASONABLY EXCESSIVE.

4 (3) A VIOLATION OF THIS SECTION IS AN UNFAIR OR DECEPTIVE
5 TRADE PRACTICE PURSUANT TO SECTION 6-1-105 (1)(qqqq) AND IS
6 PRESUMED TO HAVE A SIGNIFICANT PUBLIC IMPACT.

7 (4) THE ATTORNEY GENERAL MAY ADOPT RULES TO IMPLEMENT
8 THIS SECTION, INCLUDING RULES TO ESTABLISH GUIDELINES FOR
9 DETERMINING WHAT AMOUNTS TO AN UNREASONABLY EXCESSIVE PRICE
10 IN CIRCUMSTANCES INVOLVING SALES TO CAPTIVE CONSUMERS.

11 **SECTION 4.** In Colorado Revised Statutes, 6-1-105, **add**
12 (1)(qqqq) as follows:

13 **6-1-105. Unfair or deceptive trade practices - definitions.**

14 (1) A person engages in a deceptive trade practice when, in the
15 course of the person's business, vocation, or occupation, the person:

16 (qqqq) VIOLATES SECTION 6-1-741.

17 **SECTION 5. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 12, 2026, if adjournment sine die is on May 13,
21 2026); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2026 and, in such case, will take effect on the
26 date of the official 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.